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AUTHOR OF "ANECDOTES OF BENCH AND BAR"
"ANECDOTES OF PULPIT AND PARISH"
AND "ANECDOTES OF THE THEATRE"

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MORE ANECDOTES OF BENCH AND BAR

AT the opening of the Aylesbury Assizes on one occasion, Lord Campbell censured the High Sheriff of Berkshire for permitting his Roman Catholic chaplain to ride in the carriage with the judges and sit in the court with them in his clerical garb. "The sheriff's chaplain," he said, "becomes for the time the chaplain of the judges, and the religion of the judges is the Protestant religion." Since Lord Campbell's time there have, however, been many judges appointed claiming membership of the Church of Rome.

LORD JUSTICE KNIGHT-BRUCE had a rare gift of sarcasm. Once, when a young barrister was asserting very positively some bad law, Knight-Bruce turned to the leading counsel of his court and gravely asked each of them successively whether he was aware of the doctrine in question, as it was new to him. On another occasion a barrister began by saying that the case was not arguable by the other side. "Then I suppose we shall be impeached if we decide against you," said the Lord Justice.

BARON PARKE was what is known as a "black-letter lawyer"—that is, a man impressed with a profound reverence for ancient precedents and a perverse preference for technicality over justice. An amusing story relates that once he was summoned to advise the Lords, and in the midst of the argument was suddenly seized with a fainting fit. Cold water, hartshorn, and other restoratives were applied, but without effect. At length an idea occurred to one of his brethren, who well knew his peculiar temperament, and he immediately acted on it. He rushed into the library, seized a large musty volume of the old statutes, came back, and applied it to the nostrils of the patient. The effect was marvellous. He at once opened his eyes, gave them a slight rub, and in a few seconds he was as well as ever!

IN his latter years Baron Parke acquired a habit of thinking aloud which led on one occasion to an amusing incident. While trying an old woman upon a charge of stealing faggots, he unconsciously ejaculated: "Why, one faggot is as like another faggot as an egg is like another egg." The counsel defending the case heard the observation, and repeated it, as his own, to the jury. "Stop!" said Parke. "Stop! It is an intervention of Providence. That was the very thought which passed through my mind. Gentlemen" (addressing the jury), "acquit the prisoner!"

LORD ELDON once had a narrow escape from a watery grave. From Ulverstone to Lancaster there is a short but very dangerous cut across the

sands, and, being in a hurry, he was going to take it at its most dangerous time—when the tide was beginning to flow. But as he was setting off he asked the landlord of an inn whether any persons were ever lost in going to Lancaster by the seashore. "No, no," was the answer; "I think nobody has ever been *lost*, they have all been *found at low water*."

A WELSHWOMAN once attempted to bribe Lord Eldon by sending him a goose, expressing a grave hope that her "munificence would not induce him to favour her, as she did not mean it as a bribe." In writing an account of this to his daughter, he said: "I think Taffy the Welshwoman will be much surprised when she receives my letter, informing her that, being a judge, she might as properly apply to her goose for advice as to me."

LORD ELDON was a very considerate husband, as the following story of him tends to prove. When about to give a dinner to the members of the Cabinet, he himself ordered a fine turbot, which cost a guinea and a half, but which he told Lady Eldon he had got a great bargain at half-a-guinea. When he came home at night Lady Eldon said: "My dear John, *I* have been doing something for the family to-day as well as *you*, for our old friend, Mrs ——, having called upon me when you were gone, I showed her the turbot and told her what a bargain we had got. She said it was *well worth a guinea*, and I let her have it for that money." Lord Eldon kept

his temper, and next day, when the Cabinet dinner was to be given, turbots being scarce, he could not get a nice one *under two guineas.*

SCARLETT—Lord Abinger—was not considered to be very learned in the law, hence his description in the punning remark: "Scarlett is not deep-read."

JUDGE ADAMS, when at the Irish Bar, was known to everyone as "Dick Adams" and was the admitted "Court Jester" of his time. One day, when acting as a Revising Barrister, some conduct about a voter's claim, other than correct, was alleged against a very truculent-looking labouring man, but it fell to the ground; whereupon the Revising Barrister said to the man in very grandiloquent tones: "Sir, I take pleasure in stating that you leave this court without the slightest *additional stain on your character.*"

SERJEANT ONSLOW was once engaged in a most extraordinary trial concerning the expected delivery (as her followers imagined) of Johanna Southcott. Some inhabitants of Gravesend agreed to wager in the negative of the fact that this woman would be delivered of a male child before a certain date. The plaintiff was a preacher of her doctrines, and he staked £200 against a £100 that she would be so favoured. Serjeant Best was for the preacher, but Onslow objected on the ground of indecency to the trial of such a question, and he added that

Johanna was a single woman. The Chief Justice (Gibbs) was perplexed and asked for precedents against wagers, which were furnished, upon which, "with a view of making an end of such cases, out of mercy to the parties," he allowed the case to proceed. Evidence being given that Johanna Southcott never had a husband, and passed for a single woman, the Lord Chief Justice said: "Now that the wager involves the question of a single woman having a child, I won't proceed with the case." Campbell suggested that the woman herself gave out that she was with child, and prophesied that child would be a male. Were she alive, therefore, she would have no right to complain of her feelings being hurt; to which Lord Chief Justice Gibbs replied: "So I am to try the extent of a woman's chastity and delicacy in an action for a wager. Call the next case!"

MANY good stories turn on the discomfiture of a witness, or the bamboozling of a jury by a clever counsel. An Old Bailey barrister was once retained to defend a young man who had stolen a quantity of linen of a somewhat peculiar pattern. Seeing that his client's case was desperate, the barrister wrote down to the prisoner's solicitor, ordering him to beg, buy, borrow, or steal enough linen of the same pattern as would make him a shirt. The linen was accordingly procured and the shirt made. At the Assizes the prosecuting draper explained that the linen was of a peculiar texture, and made expressly for him. "Well, sir," said the

prisoner's counsel, "you say you would know the linen anywhere." "Of course I should," replied the draper. "Then have the goodness to come down here and examine my shirt-sleeve." Down came the draper from the witness-box and began to study the sleeve. In a minute or two he started and turned pale. "Well," said the lawyer, "do you notice any resemblance between the linen and my shirt?" "A good deal of resemblance," faltered the draper. "Are they of exactly the same material?" asked the counsel. "They seem to be so," stammered the witness. "Did you ever make me a shirt?" "Not that I know of," replied the discomfited witness. "Then go back to your place, sir," thundered the prisoner's counsel, "and never dare to accuse a fellow-creature on such frivolous grounds again!" The prisoner was acquitted!

A FURTHER example of this style of advocacy is worth recording. About the year 1848, when revolutions and secret societies bulked largely in the public mind, a labourer was tried for some small offence at a country Assize. The case was going hard against him, and his counsel was at his wits' end, when suddenly he noticed that the prosecutor and her witnesses were all carrying large cotton umbrellas, although it was a broiling hot day. So he severely cross-examined the old lady as to why she had brought her umbrella with her. Naturally enough, she got flustered. It wasn't on account of rain—it wasn't on account of the sun—she couldn't say

rightly why she had brought it. Her witnesses were equally vague, and the counsel wound up with an eloquent speech in which he described his client as "the victim of a secret society of professional perjurers *whose badge of membership was a large cotton umbrella.*" This romantic view of the matter was too much for the jury, who promptly acquitted the prisoner!

BARON BRAMWELL once asserted in court that one-third of every judge was a common juror, if you got beneath the ermine.

LORD MERSEY has never been in favour of prisoners being allowed to give evidence in the witness-box. When President of the Divorce Court he once said that he remembered the days when prisoners were not allowed to give evidence, but now "some cursed spite has given them the privilege, and," he added, "God help them, for a more dreadful pitfall was never laid for a guilty wretch."

AT an Assize in a county town in Ireland, Pat had just given his evidence with a great deal of volubility, and the opposing counsel was about to open the fire of cross-examination upon him. The learned and not a little dreaded Q.C. levelled his eye at the witness, and was slowly advancing towards the witness-box, arranging his gown and clearing his throat. Suddenly it dawned upon the witness what was in store for him, and, overcome with apprehension, he turned to the judge and flung out the

following:—"Yer Honour, ivry word I've been sayin' is the God's truth; and if that gintleman there makes me say anythin' else it'll be a bloody lie!"

OF Lord Justice Mathew it is related that once on the Oxford Circuit a wearisome leader, after opening with a two-and-a-half-hours' speech, said: "And the next point, my lord." "The next minute point, Mr ——," said Mathew, rising for lunch, "we will take at a quarter after two."

ON one occasion a rebel whom Lord Morris had sentenced to a term of imprisonment called out: "God save Ireland." "With all my heart," said the Chief Justice; "but it is the men who are always shouting 'God save Ireland' that make it impossible for Providence to perform the operation."

AN Irish barrister once warned the jury not to be carried away "by the dark oblivion of a brow." A brother counsel stopped him, saying: "That is nonsense!" "I know it is," replied the unabashed advocate, "*but it is good enough for the jury*"!

THE humour of Lord Esher was irrepressible. The court was rising for the Long Vacation. "And now, gentlemen," said Lord Esher to the Bar, "I must wish you all good-bye" (immense sensation —evidently his expected resignation had come)— "*until after the vacation*"!

IN the Court of Criminal Appeal, counsel, in opening a case on behalf of the appellant, mentioned that the prisoner had been ordered to be *exported* at the expiration of his sentence. "*De*ported, I suppose you mean," said Mr Justice Darling. "Surely you do not expect this gentleman to figure in the Board of Trade returns, do you ?"

A STORY that Mr Commissioner Kerr never tired of telling was that he once made a committal order against a debtor who was proved to have lately entertained his friends at a champagne luncheon, that the bailiff of the court actually arrested him while presiding at another, but that some judges forming a Divisional Court nevertheless ordered his release because there appeared to them to be no sufficient proof of means. The hotel-keeper, they said, might have supplied these lunches on credit, and no proof that actual payment for them had ever been made had been given !

ALTHOUGH he was one of the most accomplished lawyers of his time, Viscount Llandaff (Henry Matthews), who left more than £106,000, did not make his will correctly. He failed to observe the formality of having an alteration attested by witnesses.

A STRANGE coincidence happened in connection with the death of Baron Dowse, whilst on circuit at Tralee. On adjourning for a short time after the Commission had been opened, he directed

that an open window should be closed, observing that he had a cold and did not wish "*to leave his bones in Kerry.*" During the day he did not exhibit any signs of illness, and indulged in his usual pleasantries. Only twenty minutes elapsed from the time he was taken ill that day until death occurred.

IN a case heard before Mr Justice Chitty, counsel in the course of his opening said he could prove his point "up to the hilt." "Never mind the hilt," said Chitty, "that is not enough for me, I shall want it proved *to the point.*"

MR JUSTICE CHANNELL once tried a man at Ruthin Assizes for stealing three and eightpence halfpenny from the offertory box at Wrexham Church. The jury returned a verdict of "not guilty," whereupon the judge, addressing them, said: "I suppose you wanted to see it done yourselves," and then, addressing the officials: "I shall not try another case with *that* jury"!

THE inequality of sentences has always been one of the glaring defects in some of our judges, and the Great Unpaid. A few years ago a boy of fifteen was sentenced to a month's imprisonment for kissing a woman of twenty-three, whilst within a few days the Master of Edenbridge Harriers had a fine of £6 imposed upon him for a severe assault upon a farmer with a whip, causing the loss of a quantity of blood!

AT the Sligo Quarter Sessions recently a man named Denis Coulon was found "not guilty" of having stolen a coat and vest. Judge Wakely asked Coulon if he was willing to return the coat and vest, and, amid loud laughter, Coulon said he would. The coat and vest were then returned to their rightful owner, and Coulon left the dock without "a stain on his character" and minus the coat and vest!

A YOUNG barrister, who was counsel against a cow-stealer, wound up his statement with a violent invective against the thief, who, it seems, had branded his own name on the horns of the cows he had stolen. "If, my lord," concluded the orator, "the cow were a cow of any feeling, how could she bear to *have such a name branded on her horn*?"

LORD ERSKINE could descend to a pun occasionally. On encountering his friend, Mr Maylem, at Ramsgate, the latter observed that his physician had ordered him not to bathe: "Oh, then," said Erskine, "you are '*Malum prohibitum.*'" "My wife, however," resumed the other, "does bathe." "Oh, then," said Erskine, perfectly delighted, "she is '*Malum in se.*'"

LORD ERSKINE, when at the Bar, was one day hard pressed in defending the proprietors of a stage-coach, in an action on the case for negligence, for losing Mr Polito's portmanteau. "He sat in front of the coach, and his luggage on the top. Why did he not," said the witty counsel, "take a

lesson from his own sagacious elephant, and travel *with his trunk before him* ? "

BARON GARROW, being annoyed in the course of his summing up by loud talking below the Bench, paused, and, leaning over, said in a calm almost apologetic tone : " I am afraid, gentlemen, I interrupt your dialogue." The delinquents looked aghast, and the smiling judge met with no further interruption !

A STORY is told of Lord Alverstone, when Sir Richard Webster, which, as exhibiting the former Attorney-General in an unaccustomed light, is worth recording. At a gathering of educationalists Sir Frederick Bramwell humorously alluded to examiners as " queer fowl." Speaking later, Sir Richard Webster demurred to the fitness of the description, inasmuch as examiners are never *plucked* !

MR JUSTICE HAWKINS once caused great consternation at the Bar by depriving a successful plaintiff of his costs for the second day of the trial, on the ground that the case ought not to have occupied so great a length of time.

ON a hot day at the Lewes Assizes many years ago, Baron Martin, taking off his wig, invited the Bar to do the same. Whereupon a juror, a fat rubicund old farmer, remarking, " A werry good suggestion, my lord," promptly took off his coat and sat in his shirt-sleeves.

ON one occasion when Mr Justice Crompton went the Northern Circuit, the judges and the Bar were invited by the Earl of Lonsdale to dine at Lowther Castle, and were magnificently entertained by the Earl at this princely mansion on the way to Appleby. At Appleby there were nothing but a few trifling cases and no prisoners, and the judge was presented with the traditional pair of white gloves in honour of a maiden assize. The attendance of the Bar was, however, considerable, being *en route* for Lancaster, and as they were leaving the court a farmer's wife in the crowd was heard to exclaim aloud to a companion: "Eh, bairn, but there's a gey lot of counsellors for sike a bit o' business," an opinion which met with the entire concurrence of the said counsellors.

LORD HOUGHTON relates that, sitting by Scarlett at table at Lady Holland's, in Great Stanhope Street, he asked him whether he had any especial secret by which he got his verdicts. Scarlett replied that he thought his success was mainly owing to his habit of seldom addressing a jury collectively, but of selecting one or two of them—generally one, and by no means always the foreman—with whom he reasoned on the subject as best he could, placing himself in mental communication with him, and going on till he appeared to have convinced him. "Brougham," he added, "at one time detected my process, and imitated me as he could, but somehow or other he always hit on the wrong man."

CHIEF JUSTICE JERVIS was a good criminal judge, and his charges to the jury were invariably brilliant. There once came before him a curious case in which a young man of large property had been fleeced by a gang of blacklegs on the turf and at cards. Nothing could exceed the masterly way in which Sir John Jervis untwined the web of sophistries with which a very clever counsel had bewildered the jury. A private notebook with initials for names and complicated gambling accounts was found on one of the prisoners. No one seemed able to make head or tail of it. The Chief Justice looked it over, and most ingeniously explained it all to the jury. Then there was a pack of cards, which had been pronounced by a London detective to be a perfectly fair pack. They were examined in court, and everyone thought them to be so. However, they were handed to the Chief Justice. His keen eye glanced very inquiringly over them while the evidence was going on. However, he said nothing and quietly put them aside. When the trial was over, and he commenced to sum up, he went over all the circumstances, till he got to the objects found upon the prisoners. "Gentlemen," said he, "I will engage to tell you, without looking at the faces, the name of every card in this pack." A strong exclamation of surprise went through the court. The prisoners looked aghast. He then pointed out that on the backs, which were figured with wreaths and flowers, in dotted lines all over, there was a small flower in the right-hand corner of each. The number of dots in this flower was the same in all the kings, and so

on. A knave would be perhaps marked thus . . . . . , an ace thus ·.·, the difference being so slight, and the flowers on the back so many, that even if you had been told the general principle it would have taken a considerable time to find out which was the particular flower which differed.

CHIEF JUSTICE TINDAL could be humorous when he chose. There was a well-known serjeant gifted with a stentorian voice and most boisterous demeanour. Tindal was asked whether he considered the serjeant to be a sound lawyer. "I must suspend my judgment," said he, "until it is authoritatively decided whether *roaring* in a horse constitutes unsoundness or not."

JOHN CLERK, afterwards Lord Eldon, when at the Bar, was remarkable for the sang-froid with which he treated the judges. On one occasion a junior counsel, on hearing their lordships give judgment against his client, exclaimed that he was "surprised at such a decision." This was construed into a contempt of court, and he was ordered to attend at the Bar on the following morning. Fearful of the consequences, he consulted his friend, John Clerk, who told him not to worry, and he would apologise for him in a way that would avert any unpleasant result. Accordingly, when the name of the delinquent was called, John Clerk arose and coolly addressed the Bench: "I am sorry, my lords, that my young friend should have so far forgotten himself as to treat your honourable bench with disrespect.

He is extremely penitent, and you will kindly ascribe his unintentional insult to his ignorance. You must perceive at once that it originated in that. He said that he was surprised at the decision of your lordships. Now, if he had not been very ignorant of what takes place in this court every day, had he known your lordships half as long as I have done, he would not be surprised at *anything* your lordships did"!

LORD REDESDALE was once sorely puzzled at one of Plunket's best *jeux d'esprits*. A cause was argued in Chancery, wherein the plaintiff prayed that the defendant should be restrained from suing him on certain bills of exchange, as they were nothing but kites. "Kites, Mr Plunket!" exclaimed Lord Redesdale. "Kites never could amount to the value of those securities. I do not understand this statement at all, Mr Plunket." "It's not to be expected that you should, my lord," answered Plunket. "In England and in Ireland kites are quite different things. In England the wind raises the kites, but in Ireland the kites *raise the wind*." "I do not feel any way better informed yet," said the matter-of-fact chancellor. "Well, my lord, I'll explain the thing without mentioning those birds of fancy," and therewith he elucidated the difficulty.

LORD BRAMWELL could be very ironic in his judgments. The claimant in the Lovat Peerage case had certainly some serious difficulties to contend with. "Alexander," Lord Bramwell re-

marked, "must, on the claimant's hypothesis, have been working at manual labour when he was at least a hundred and twelve years old. He must have remained unmarried till he was at least seventy-five years of age, and then eloped with a young woman and had a child when he was at least ninety-five!"

THE same judge's remarks about the claimant's "grievance" are no less piquant. "The next point, as I understand it, is this. The plaintiff, in error, has been sentenced to seven years' penal servitude upon each count, but he ought in addition to that to have been sentenced to some amount of fine and imprisonment. I very much doubt whether he has any right to make such a complaint. He cannot say any wrong has been done him. The utmost that he can say is, that he has not had sufficient punishment awarded to him, and I very much doubt whether error will lie at the suit of the person indicted under these circumstances."

WHEN Curran was defending some State prisoners, Lord Carleton told him that if he was not careful he would lose his gown as a King's Counsel. "Well, my lord," replied Curran, "his Majesty may take the silk, but he must leave the stuff behind."

IN the "Life of Eldon" the following story is told of Lord Erskine. In the neighbourhood of Hampstead Heath a ruffianly driver was belabouring a miserable bare-boned horse when Erskine's sym-

pathy provoked him to a sharp remonstrance. "Why," said the fellow, "it's my own; mayn't I use it as I please?" and as he spoke he discharged a fresh shower of blows on the unfortunate animal. Erskine, excessively irritated, laid his walking-stick sharply over the shoulders of the offender, who, crouching and grumbling, asked what business he had to touch him with his stick. "Why," replied Erskine, "it's my own, mayn't I use it as I please?"

LORD NORBURY once impatiently wanted to know what was the cause of the delay in trying a certain case, and was told that Mr Serjeant Joy, who was to lead, was absent, but that the solicitor, Mr Hope, had said that he would be back immediately. The judge immediately quoted the following:—

> "*Hope* told a flattering tale,
> That *Joy* would soon return."

LORD MANSFIELD was no admirer of the old sanguinary code. Being desirous to save the life of a man whom he was once trying who had stolen a watch, he desired the jury to value the watch at tenpence. The prosecutor immediately called out: "*Tenpence! Tenpence!* Why, my lord, the very fashion of it cost *five pounds*!" "True," replied his lordship, "but we must not hang a man for fashion's sake!"

LORD KENYON when at the Bar was perpetually engaged in wrangles with his colleagues. Once, having conducted himself with much irritation

of manner, the judge said to him: "Pray, Mr Kenyon, keep your temper." "My lord," said Mr Cowper, who was sitting by, "your lordship had better recommend him *to part with it* as soon as possible."

MR JUSTICE WILLES had a very bad habit of constantly assailing counsel with interruptions. On the occasion of one of these interruptions, the counsel replied: "Your lordship is even a greater man than your father, the Chief Baron. The Chief Baron used to understand me after I had done, but your lordship understands me *before I begin*."

ON one occasion counsel appeared to argue a bankruptcy appeal. "Who is your opponent?" asked Lord Justice James. "I don't think anyone appears on the other side, my lord," replied counsel. "Then consider you have three opponents," said the Lord Justice, nodding at him with a genial smile.

SERJEANT ROBINSON tells the story of how once, when Baron Martin went as a judge on the Western Circuit, he was invited with several members of the Bar to dine with the Dean of Winchester, whom he had never met before. A few days afterwards a friend asked the Dean what he thought of Baron Martin. "Well," was the reply, "he does not appear to be a man of enlarged information. He actually had never heard of William of Wykeham, and wanted to know who he was." Baron Martin was asked by someone what he thought of the Dean

of Winchester. "Well," he said, "I can't say I think much of him. He seems very deficient in a knowledge of what is going on in the world; he absolutely did not know what horse had won the last Derby!"

MR JUSTICE PATTESON had a wonderfully retentive memory. Upon circuit one day a witness appeared in the box with a nose of remarkable length. Presently one of the junior barristers wrote down an excellent Greek epigram which, having passed muster with the Bar as an original production, was handed up to the presiding judge, Mr Justice Patteson. Unhappily for the young barrister, the judge had read not only the epigram in an old collection, but two translations of it into English. He at once wrote down the name of the collection, and both the translations, and then, to the confusion of the pseudo-author and the amusement of his legal friends, he handed the paper back. Of course the ambitious youth who had been convicted of this sharp practice was bantered not a little, and felt somewhat confused. Recovering himself, however, he presently retorted: "Why, none of you would have detected me had it not been for my lord on the Bench."

CHIEF BARON POLLOCK used to tell an interesting anecdote of himself respecting his "elevated situation" at the Mathematical Tripos. He says: "I was very anxious as to my place on the list, and at the same time rather confident. Perhaps

my confidence bordered on presumption; if so, it was deservedly punished. As soon as I caught sight of the lists hanging in the Senate House, I raised my eye to its topmost name. That name was not mine. I confess that I felt the chill of disappointment. The second name was not my name, nor yet the third, nor yet the fourth. My disappointment was great. When I read the fifth name I said: "I am sure I beat that man." I again looked at the top of the list, the *nail had been driven through my name, and I was 'Senior Wrangler.'*"

AN amusing story is told of Lord Denman and Serjeant Adams, who was the first paid assistant judge of the Middlesex Sessions. The Serjeant, on taking his seat, gave out that he had Lord Denman's authority for saying that he ought to be addressed as "My Lord." Lord Denman was afterwards asked whether he had ever given such directions. "Well," he said, "the truth is, Jack Adams came to me and said that the Bar at the Middlesex Sessions wished to know whether there would be any impropriety in their calling him 'My Lord,' and I told them I could see no objection to their styling him what they pleased, so that they did not call him 'Jack' when he was on the Bench, as that might appear disrespectful to a learned judge."

BARON ALDERSON once said to a counsel who was cross-examining with more temper than skill: "Mr ——, you seem to think that the art of cross-examining is to examine crossly."

MR JUSTICE FOSTER, a short time before his death, went the Oxford Circuit in one of the hottest summers that has ever been remembered. He was so far advanced in life as to be scarcely capable of doing the duties which belonged to his office, and when the Grand Jury of Worcester attended for the charge, he addressed them in these few words: "Gentlemen, the weather is very hot; I am very old, and as you are all very well acquainted with what is your duty, I have no doubt but you will practise it."

SIR RICHARD BETHELL did not despise the lesser arts of advocacy. At the conclusion of a very long speech by Mr Malins, Bethell—then Attorney-General—said quietly, but so as to be heard by the whole court: "What a fatal gift is fluency." The observation took all the sting out of his opponent's address.

"IT is very odd," said Serjeant Channell to Thesiger, "that Tindal should have decided against me on that point of law, which seemed to me as plain as *a*, *b*, *c*." "Yes," replied Thesiger; "but of what use is it that it should have been as plain as *a*, *b*, *c* to you if the judge was determined to be *d*, *e*, *f* to it?"

LORD KAMES used to relate a story of a man who claimed the honour of his acquaintance on rather singular grounds. His lordship, when one of the justiciary judges, returning from the North

Circuit of Perth, happened one night to sleep at Dunkeld. The next morning he was walking towards the ferry, but apprehending he had missed the way, he asked a man he met to conduct him. The other answered with much cordiality: "That I'll do wi' all my heart, my lord, for I ken ye fine. Does not your lordship recollect me? My name is Jimmy Skeate: I have had the honour to be before your lordship for stealing sheep." "Oh, Jemmy, I remember you well," replied Lord Kames, "and how is your wife? She had the honour to be before me too for receiving them, well knowing them to be stolen." "At your lordship's service," said the man. "We were o'er lucky: we got off for the lack o' evidence, and I'm still going on in the flesher's trade." "Then," replied the judge, "*we may have the honour of meeting again.*"

IN "Reg *v.* Seward," tried by Lord Denman, some parishioners hit upon the ingenious idea of getting rid of a female pauper *by marrying her to a male pauper in another parish.* For this public-spirited contrivance they were actually indicted on a charge of conspiracy!

LORD KENYON had a great weakness for quoting scraps of Latin, and misapplying them. He once told a jury in reference to a blasphemy case: "Above all, need I name to you the Emperor Julian, who was so celebrated for every Christian virtue that he was called *Julian the Apostle*"!

ON another occasion he concluded his address to the Grand Jury thus: "Having thus discharged your consciences, gentlemen, you may retire to your homes in peace, with the delightful consciousness of having performed your duties well, and may lay your heads on your pillows, saying to yourselves: '*Aut Cæsar aut nullus.*'"

BARON MARTIN was a judge who did not consider himself bound to act in accordance with the express terms of an Act of Parliament. On his last circuit at Lewes, a partner was committed for trial for stealing partnership money. In charging the grand jury, Martin directed them to throw out the bill. "Whoever heard," he asked, "of a man stealing his own money? It cannot be, gentlemen." The clerk of arraigns stood on his seat to hand up to the judge the Act of Parliament, making it a felony to steal partnership money, but Martin would not pay any attention. "Never mind the Act of Parliament, Mr Avory; take it away. The man who drew that Act knew nothing about the law of England"!

MR JUSTICE BYLES, although the possessor of a hack, was not a good judge of horse-flesh. It is related of him that in an argument upon Section 17 of the Statute of Frauds he put a case by way of illustration to the counsel arguing, "Suppose that I were to agree to sell you my horse, do you mean to say that I could not recover the price unless"—etc., etc. The illustration was so pointed that there was no way out of it but to say: "My lord, the

section applies only to *things of the value of ten pounds*," a retort which all who had ever seen his horse thoroughly appreciated !

MR JUSTICE CRESSWELL was a great martinet in his court. On one occasion he had several times, as was usual with him while writing down the evidence in a case before him, called out to the counsel, who was examining a witness, in a peremptory tone : " Stop ! " At last, finding that no attention was paid to his imperious monosyllable, he addressed the counsel and said : " Mr ——, I shall feel obliged to you if you will attend to my request not to go so fast." Upon which the counsel replied : " Oh, my lord, I thought your lordship was addressing the usher " !

THE only person of whom Mr Justice Cresswell when at the Bar was afraid was Mr Justice Maule and his sarcasms. Cresswell himself had no wit, but the following has a certain piquancy. A witness had been called to prove the solemnisation of a marriage. He was fond of fine language and he said : " My lord, I can testify to having seen the marriage duly consummated." " Sir," said the judge, " it is not usual to require a witness for that purpose " !

MR JUSTICE ALAN PARK was nicknamed " St James' Park," to distinguish him from a brother judge of the same name, Baron Parke, who was called " Green Park."

MR JUSTICE ROOKE, in going the Western Circuit, had a large stone thrown at his head; but as he stooped a great deal, it passed over him. "You see," said he to his friends, "that, had I been an upright judge, I might have been killed."

DURING an examination which Serjeant Whitaker conducted at the Bar of the House of Lords, he put a question to a witness to the legality of which some exception was taken. Counsel was ordered to withdraw, and a debate of two hours ensued respecting the admissibility of the question, resulting in favour of the Serjeant. On being readmitted, Whitaker was requested to put the question over again, but he replied: "Upon my word, my lords, it is so long since I first put that question that I entirely forget it; but with your leave I'll now put another."

SAMUEL WARREN relates a case where a client of his had his declaration on a bill of exchange demurred to, because instead of the words "*in the year of our Lord* 1834" he had written "A.D. 1834." He says that he attended Mr Justice Littledale at chambers to endeavour to get the demurrer set aside as frivolous, or leave to amend on payment of a shilling, but that punctilious but very able and learned judge refused to do either. "Your client, sir," said he, "has committed a blunder, sir, which can only be set right on the usual terms, sir—'A.D.' is neither English nor Latin, sir; it may mean anything, or nothing, sir. It is plain, sir, that there

is a material and traversable fact, and no date to it, sir," etc., etc.; whereupon he dismissed the summons with costs. The demurrer had been spun out by a pleader to an inconceivable length in ringing the changes on the above one objection, and Warren's client had actually to pay seven or eight pounds out of his own pocket!

CHIEF JUSTICE ERLE was a judge who did good by stealth and "blushed to find it fame." On one occasion he was presiding in the Civil Court at Northampton, and was obliged to direct a jury against some poor people who had been scandalously but legally swindled. To them the result meant absolute ruin. On the following morning an elderly gentleman on horseback made his appearance in the alley where the sufferers lived. This was Sir William Erle; he gave them some good advice, and with it a sum of money that replaced them in their old position.

ON one occasion when Baron Bramwell made some observation in a charge to a jury which was received with applause, he paused a moment and then said quietly: "I recall those words—I must have been saying something foolish."

MR COMMISSIONER KERR once said to a suitor: "Always put your bargains into writing. Pens are cheap, ink is cheap, paper is cheap. People contradict each other so much that by-and-by every commercial transaction will have to

be reduced to writing. When you go to buy a penny loaf, even, you will have to take an order for it in writing to prevent a contradiction arising."

MR JUSTICE DAY, when at the Bar, had a great tendency to urge his clients to compromise, which earned for him the appropriate sobriquet of "*Settling Day.*"

A CLEVER piece of cross-examination was the following. In a case of affiliation of a bastard child, the mother had sworn distinctly and positively to the person of the father, and to the time and place of their acquaintance, fixed as usual at precisely the proper period before the birth of the child. In this case the time sworn to was the middle of May, and the place the putative father's garden. For an hour the witness endured the strictest cross-examination that ingenuity could suggest; she was not to be shaken in any material point of her story; she had learned it well, and with the persistence that makes women such difficult witnesses to defeat, she adhered to it. She was not to be thrown off her guard by a question for which she was not prepared, and the examination proceeded thus: "You say you walked in the garden with this man?" "Yes." "Before your connection with him?" "Yes." "More than once?" "Yes; several times." "Did you do so afterwards?" "No." "Never once?" "No." "Is there fruit in the garden?" "Yes?" "I suppose you were not allowed to pick any?" "Oh yes, he used to give me some." "What fruit?"

"Currants and raspberries." "Ripe?" "Yes." This was enough; she was detected at once. The alleged intercourse was in *the middle of May*. Currants and raspberries *are not ripe till June*. In this case the woman's whole story was untrue!

IN the year 1893 an action was tried, "Rassam *v.* Budge." The parties were both members of the staff of the British Museum, and the plaintiff claimed damages for libel and slander, the defendant alleging that the British Government, having fitted out an expedition for the plaintiff to make certain excavations in Assyria, lost the benefit of its great expenditure by reason of the plaintiff having secreted the most important of his discoveries, and sold them to the French and German Governments. Sir Henry James and Mr Blake Odgers were for the plaintiff, Mr J. Lawson Walton and Mr Temple Franks for the defendant, while Mr (now Justice) A. T. Lawrence watched for the trustees of the British Museum.

Several well-known men were called, including Sir A. Henry Layard, and Sir Henry Rawlinson, and the solicitor's table was covered with ancient pottery and ornaments bearing cuniform inscriptions. When Sir Henry Layard was in the witness-box under cross-examination, reference was made to a suggestion which had fallen previously, that Mr Rassam had acted as Sir Henry's "pimp." Drawing himself up to his full height and looking a very noble figure, Sir Henry gave vent to his natural indignation at such a suggestion being made after his long public service. It was a splendid impromptu speech, and

had a marked effect upon all in court, who fully expected to see counsel "pulverised." Without a flicker of the eyelid, Mr Lawson Walton at once replied: "Now that you have had an opportunity, Sir Henry, of relieving your feelings, we will proceed with the cross-examination, if you please!"

A YOUNG barrister, being told off to take a young married lady in to dinner, found himself at a loss for conversation. After a painful interval, he had a happy thought, and, turning to his fair companion, said: "I had a most interesting case in court to-day, relating to the agistment of cattle." With an icy look the lady replied: "I think that is a topic which had better be left alone at the dinner-table, and kept for the smoking-room!" The barrister was left wondering where he had gone wrong, as doubtless does the reader.

BEFORE he was appointed a police magistrate, Mr Lister Drummond acted as Revising Barrister. Having summoned a certain person to attend before him, and the summons not being obeyed, he gave directions that the person in question must attend on the following morning to apologise for his absence. Next morning came, but not the person who was required. Instead a lady rose before the barrister and said that the gentleman had sent her in his stead to explain that he came of a family that *never* apologised, and he trusted that that explanation would be sufficient!

LORD JUSTICE VAUGHAN WILLIAMS has never yet been accused of too great attention to sartorial matters. Soon after his elevation to the Bench, he was acting as Judge in Chambers, and at the midday adjournment was leaving his hat behind him. The famous Martin was then the janitor, and was privileged to say almost anything which came into his mind first. "My lord," said he, "here's your hat, don't leave it here or you mayn't find it when you come back." More in sorrow than in anger the judge answered: "Do you think anyone would take *that* hat, Martin?" Looking at the headgear more carefully, Martin replied thoughtfully: "Now you mention it, I think you can leave it here quite safely!"

MR JONATHAN HENN, Q.C., who was well known for his witticisms, once solved the following riddle proposed by a barrister at the Munster Bar Mess:—"Why should the captain of a ship never be at a loss for an egg?" The riddle was a new one to all present, and Henn was the only person who solved it. "Because he can always *lay-to*," was his answer. Being asked how he came to guess it, he promptly replied: "Because it was a proper question to be solved by a *Henn*."

MR JUSTICE HAWKINS was a sworn foe of the "handwriting experts," and had several amusing encounters with Mr Nethercliffe—a well-known expert in calligraphy. On one occasion he

handed to the expert six pieces of paper and asked whether they were all written at the same time, and by the same person. Nethercliffe examined them with great care, and replied that they were written at different times and by different persons. "Indeed!" said Hawkins. "Well, let me tell you I wrote them all myself at this desk this morning!"

NETHERCLIFFE had a son in the same profession, and maintained that he had made him, if possible, a greater expert than himself. "I think you profess to be infallible," said Hawkins to Nethercliffe at a certain trial. The expert nodded. Another question elicited the statement that the son was equally infallible. "Then," said Hawkins, "let me remind you of a case recently tried, when you swore one way and your son another. It seems strange that two 'infallibles' should contradict one another!"

IN the turf case of "Wootton *v.* Sievier," the defendant put a number of questions as to the running of a horse belonging to the plaintiff, named Excelsior. At last Mr Justice Darling, who tried the case, remarked: "All this assumes that all horses run with mathematical precision, and that by studying what they had done before you could tell to a certainty what they would do in the next race. If that were so, then the person who would be the best authority on racing *would be the Astronomer Royal*"!

IN a trial at the Old Bailey the Solicitor-General (Sir John Simon) called the well-known restaurant Rŏmăno's instead of Rōmāno's. When Mr Wild, K.C., rose to address the jury for the defence he alluded to the pronunciation of the name in the following words:—"The learned Solicitor-General, with every indication of a well-spent youth, called it Rŏmăno," etc., etc.

A COUNSEL was trying to discredit a witness, and asked him: "Are you a married man?" "I am," said the witness. "How many children have you?" "Two," replied the witness. After putting a few more questions he again said significantly: "You say you have *two* children, and you are married?" On which Mr Justice Darling remarked: "He told you he had two children a few moments ago: there are hardly likely to have been any fresh arrivals since your first question!"

LORD JUSTICE LUSH, when at the Bar, once told Sir John Hollams that he had never been in Westminster Abbey, although he had spent a considerable portion of his life in Westminster Hall, on the opposite side of the road!

IN the old courts at Guildhall, judges frequently sat from half-past nine in the morning until a late hour in the evening. A special jury action was once called on before Lord Campbell at twenty minutes to six, one very severe night just before Christmas. Lord Bramwell, counsel on one side,

and Mr Justice Shee on the other, joined in protesting against commencing the case that night. Lord Campbell merely replied, "Swear the jury," and he tried the case out that night, although it took several hours—witnesses being examined on both sides.

BARON BRAMWELL, referring to the circuit system, once said that he did not wish to dwell on the drawbacks to the position of a judge, but it might not be generally realised that twice in the year the judge was for four or five weeks taken from his home and had to live in uncomfortable lodgings, in the forced company of three other men—one of whom was probably a stranger to him, and another whom he probably disliked. Bramwell of course referred to his brother judge and that judge's marshal, and his own marshal.

WHEN Sir Charles Russell was made a Lord of Appeal, Lord Morris remarked: "You English are a tolerant people; your highest Court of Appeal consists of a Scotsman, two Irishmen, and a Jew."

IN speaking of a learned serjeant who gave a confused and elaborate explanation of some point of law, Curran observed that "whenever that grave counsellor endeavoured to unfold a principle of law, it reminded him of a fool whom he once saw try to open an oyster *with a rolling pin.*"

LORD NORBURY, giving judgment in a case in the Court of Common Pleas in Dublin, observed that it was not for the defendant in a writ of right to say he "claimed by descent." "That," continued his lordship, "would be a very shrewd answer for a sweep, who had got into your house by coming down the chimney. 'Pray, sir, how did you get into my house?' 'I got in by descent—*facilis descensus Averni*.' And this would be an easy and sweeping way of getting in."

SIR RICHARD BETHELL possessed a sublime sang-froid, which increased with his reputation. During his argument one day in the House of Lords Lord Campbell stopped him and asked for an authority for the proposition which Sir Richard had laid down with such confidence. "My lord," replied Bethell, "such is the law. But as I have to be elsewhere in a few minutes, my friend Mr Archibald will produce to your lordship abundance of authority in support of it." Mr Archibald anticipated his leader *in retiring from the court as soon as he heard this assurance*!

ON another occasion, in response to a like inquiry, Bethell coolly turned to his junior and said: "Get me a case." The affrighted junior, at his wits' end, rushed away on the hopeless quest, and took good care not to return before the court rose, while Sir Richard proceeded with his argument on another point.

IT is told of Serjeant Sayer that he once went circuit for a judge who was indisposed. He was afterwards imprudent enough to move *as counsel* to have a new trial of a case heard before himself "for a *misdirection by the judge.*" Lord Mansfield said: "Brother Sayer, there is an Act of Parliament which, in such a matter as that before you, gave you discretion to act as you thought right." "No, my lord," said the Serjeant, "I had no discretion." "You may be right, brother," said Lord Mansfield; "for I am afraid even an Act of Parliament could not give *you* discretion!"

LORD TENTERDEN was once complimented on his promotion to the Lord Chief Justiceship in terms so extravagantly ludicrous that he joined in the general shout of laughter which the orator called forth. Sir Peter Laurie, the saddler, when Lord Mayor of London, gave a dinner at the Mansion House to the judges, and, in proposing their health, observed in impassioned accents: "What a country is this we live in! In other parts of the world there is no chance, except for men of high birth and aristocratic connections; but here genius and industry are sure to be rewarded. See before you the examples of myself, the chief magistrate of the metropolis of this great empire, and the Chief Justice of England, sitting at my right hand—both now in the highest offices in the State, *and both sprung from the very dregs of the people*!"

HENRY HUNT, the famous demagogue, having been brought up to receive sentence upon a conviction for holding a seditious meeting, began his address in mitigation of punishment by complaining of certain persons who had accused him of "stirring up the people by *dangerous eloquence*." To which Lord Ellenborough—Chief Justice—replied: "My impartiality as a judge calls upon me to say, sir, that in accusing you of that *they do you great injustice*."

COMMISSIONER KERR, who presided at the City of London Court, once remarked in his dry, witty way: "David said in his haste all men were liars; if he were sitting in this court he would have said the same thing *at his leisure*."

CHILDREN are often tutored to give evidence which is false. In a case in which Mr Crispe, K.C., was counsel, the result almost depended on the evidence of a girl of fourteen or thereabouts, an intelligent, respectable-looking child. Mr Crispe commenced his examination of her in the usual way, by breaking up the evidence into questions. "Better let her tell her own story in her own way, Mr Crispe," said the judge. And she did, and gave it apparently in the most truthful manner, and, being a prepossessing child, the jury were impressed. "I do not propose to cross-examine the witness," said the counsel opposed to Mr Crispe, "but, Jane," he continued in a pleasant way, "tell it us all over again from the

beginning." And she began again from the beginning; *she was absolutely letter perfect*—there was not a word of variation—she had been coached.

MR CLARKE, K.C., "father" of the Midland Circuit in the early part of the nineteenth century, desired once to counteract the effect produced on a jury by the opposing counsel in a case who had excited their sympathy in behalf of his client as being an orphan. "Gentlemen," said the venerable King's Counsel, "my learned friend has told you that the plaintiff is an orphan. But people's mothers and fathers can't live for ever. Why, gentlemen, *I* am an orphan!"

LORD ELLENBOROUGH was always ready to give satisfaction for any supposed affront he offered. Once he happened at York, when plain Mr Law, to be counsel for the defendant in an action on a horse-race, the conditions of which required that the riders should be "gentlemen." A considerable body of evidence was adduced on both sides, and Mr Law commented upon it most unmercifully. The jury found for the defendant that the plaintiff was "not a gentleman." The defeated party blustered much, and threatened to call the audacious advocate to account. Law, putting off his journey to Durham for a day, walked about booted and spurred before the coffee-house, the most public place in York, ready to accept an invitation into the field, or to repel force by force, because personal chastisement had likewise been threatened. How-

ever, no attempt was made to provoke a breach of the peace.

LORD CHIEF JUSTICE COLERIDGE was fond of telling the following story against himself. He was addressing a large audience of varsity men at Oxford, when he used the phrase: "We must remember not merely the beauty of the individual colleges, but the beauty of Oxford as a whole. And what a whole it is!" "Hear, hear!" yelled the varsity men. "Yes, what a *hole*!" they groaned. "What a beastly hole!" Then it dawned upon Lord Coleridge that he might with advantage have expressed himself otherwise.

LORD CHANCELLOR HARDWICKE used to entertain his visitors with the following story of his bailiff, who one day, having been ordered by Lady Hardwicke to procure a sow of a particular description, came into the dining-room when full of company, proclaiming in a loud voice: "I have been at Royston Fair, my lady, and I have got a sow *exactly of your ladyship's size*!"

THELWALL, when tried for seditious libel, was a very troublesome client, and frequently interfered indiscreetly in the defence. At one time he was so much dissatisfied that he wrote on a piece of paper, which he threw to Erskine, his counsel: "I'll be hanged if I don't plead my own cause"; upon which his counsel returned for answer: "You'll *be hanged if you do*!"

A TAILOR sent his bill to a lawyer and a messenger to ask for payment. The lawyer bid the latter to tell his master that he was not running away and was very busy at that time. The messenger returned, and said he must have the money. The lawyer testily answered: "Did you tell your master that I was not running away?" "Yes, I did, sir," was the reply; "but he told me to tell you that *he was*!"

ON one occasion Lord Alverstone, when Sir Richard Webster, was acting as junior to Sir Douglas Straight, the defendant for whom they appeared being a very irascible old gentleman. Sir Douglas Straight was called away during a portion of the proceedings, and the conduct of the case was left for a time in the hands of his junior. The next morning a note arrived from their client, saying: "For heaven's sake let's have no more of Webster's melancholy performances!"

A SOLICITOR named *Else*, very diminutive in stature, and not particularly respectable in his character, once met Jekyll. "Sir," said he, "I hear you have called me a pettifogging scoundrel. Have you done so, sir?" "Sir," replied Jekyll, with a look of contempt, "I never said you were a pettifogger or a scoundrel, but I said you were *little else*!"

MANY years ago a learned commissioner was trying the cases in the Crown Court at Leeds Assizes when a juror in waiting, who was bald, complained that a severe draught was playing upon the

top of his head. "Sir," said the commissioner, "your window shall be shut, and the barristers' window opened. They, fortunately, have something outside as well as inside their heads. When we bring you here, we expect that you should not, and indeed we find that you do not, have any covering upon, or lining within, your head. But when we put you in the jury-box we do our best—sometimes with doubtful success—to supply the internal deficiency."

A TROUBLESOME solicitor, who was pleading his own cause and raising untenable points before Lord Ellenborough, became exasperated because the judge invariably overruled him, and exclaimed: "My lord, my lord, although your lordship is so great a man now, I remember the time when *I could have got your opinion for five shillings*!" Lord Ellenborough merely smiled and replied: "I daresay it was not worth the money."

BARON HEATH used to hang on principle in all capital cases, believing that it was impossible to regenerate felons, and that the death penalty was necessary for the protection of society. On one occasion at the Gloucester Assizes, having heard from a witness that he came from Bitton, he rejoined: "You do seem to be of the Bitton breed, but I thought I had hanged the whole of that parish long ago!"

LORD MANSFIELD once gave the following advice to a newly appointed governor of a West India island:—"There is no difficulty in deciding a case—only hear both sides patiently, then

consider what you think justice requires, and decide accordingly; *but never give your reasons, for your judgment will probably be right, but your reasons will certainly be wrong.*"

MR JUSTICE ALAND FORTESCUE once used the following illustration of a fundamental rule of law:—"The laws of God and man both give the party an opportunity to make his defence, if he have any. I remember to have heard it observed by a very learned man that even God Himself did not pass sentence upon Adam before he was called upon to show cause:—'Adam, where art thou? Hast thou not eaten of the tree whereof I commanded thee thou shouldest not eat?' And the same question was put to Eve also."

LORD THURLOW was accustomed to speak of solicitors with disdain, and was not much more courteous to members of the Bar. Once, when rising for the Long Vacation, he left the Bench without saying the usual words of farewell. "He might at least have said, '*Damn you*,'" whispered a member of the Bar to another.

A COMMON complaint, though no new one, is the long-windedness of the Bar, the Western Circuit many years ago being especially notorious on account of the long speeches made by its members. "I am going the Western this time," Baron Parke once remarked to Mr Justice Maule; "and I will make those long-winded fellows shorter, or I will know the reason why." "Quite right," was Maule's

characteristic reply; "but by the time you get back, Parke, you will have learned the why!"

MR DARBY O'GRADY, brother of Chief Baron O'Grady, caught a boy stealing his turnips. The Chief Baron, being in the neighbourhood, the despoiled owner of the turnips asked his learned brother "if the boy could be prosecuted under the 'Timber Acts.'" "No," replied the Chief Baron; then he added: "unless indeed the turnips are *sticky*!"

MR JUSTICE ROWLATT, when "devil" to the Attorney-General, was one of the busiest men in the Temple, and made one day a retort that members of the Bar might remember with advantage to themselves. Referring to a certain decision of the Court of Appeal, he remarked that the Master of the Rolls clearly felt the absurdity of being asked to say that a farm was a "non-textile factory." "You feel," interposed Mr Justice Darling, "that it would be absurd to say in effect that Bishop Blomfield when he wrote 'The Farmer's Boy' ought to have written 'The Non-Textile Factory Boy.'" Upon which, Mr Rowlatt resuming his argument, Mr Justice Darling said to him: "You did not notice my slip just now in stating that Bishop Blomfield wrote 'The Farmer's Boy': it was his father who wrote it." "I never correct learned judges in matters which are not relevant," retorted Mr Rowlatt. "The Farmer's Boy," as a matter of fact, was written by Robert *Bloom*field.

LORD ALVERSTONE, who is an early riser, once remarked that his only difference with Sir Edward Clarke, while they were Law Officers of the Crown together, was due to his having fixed a consultation at half-past nine in the morning. "My dear Attorney," wrote Sir Edward in reply, "I will do anything in the world for you, but I will not get up in the middle of the night."

JUDGE RENTOUL told a story of the peculiar acoustic properties of the new Old Bailey—where in the judges' court there is an extraordinary echo. When on one occasion he sentenced a prisoner to six months hard labour, the echo of his words came from the back of the court so distinctly that the prisoner turned to the warder at his side and asked anxiously: "*Are these yere two sentences to run concurrently?*"

MANY of Lord Macnaghten's judgments are classical. He shared with Sir George Jessel and Lord Bowen the belief that it was not essential to good law to serve it up dry as dust. In a case involving the question of a husband's liability in respect of wearing apparel ordered by his wife from a tradesman, Lord Macnaghten disposed of the suggestion that a married woman could only contract as her husband's agent if she explained her matrimonial and financial position to the tradesman. "It can hardly be expected," he said, "that such domestic confidences should be whispered across the counter, or imparted to some forewoman in the comparative privacy of an inner apartment."

SOME of Lord Macnaghten's epigrams are famous. "Thirsty folk want beer, not explanations," was his comment on an argument that means could be found for bringing to the notice of consumers the distinction between two rival ales which were being sold under the same name.

THERE is a tale told in the Temple that when Mr Justice Eve took silk in 1895, he circulated the usual notice of his intention to his seniors, according to the etiquette of the Bar, and from one of them received the following reply:—

"My dear Eve,—*Whether you wear silk or fig-leaf I do not care—A Dam!*"

MR EGAN, an Irish barrister, in addressing a jury, having exhausted every ordinary epithet of the English language sounding in abuse, stopped for a word, and then added: "This *naufrageous ruffian.*" When afterwards asked by his friends the meaning of the word, he confessed he did not know, but said he thought it *sounded well.*

A GOOD anecdote is related of Serjeant Davy. A gentleman once appeared in the Court of King's Bench to give bail in the sum of £3000. Serjeant Davy, wishing to display his wit, said to him sternly: "And pray, sir, how do you make out that you are worth £3000?" The gentleman stated the particulars of his property up to £2940. "That's all very good," said the Serjeant, "but you want £60

more to be worth £3000." "For that sum," replied the gentleman, not in the least disconcerted, "I have a note of hand of one Mr Serjeant Davy, *and I hope he will have the honesty soon to settle it.*"

MR JUSTICE LAWRANCE—"Long Lawrance," as he was familiarly known—was once passing sentence on a man, and in the course of his preliminary remarks he referred to him as "a professional burglar." The prisoner raised loud protests from the dock. "Here," he exclaimed, "I dunno wot yer mean by callin' me a professional burglar; I've only done it once before, an' I've bin nabbed both times." Mr Justice Lawrance beamed upon him. "Oh, I did not mean to say," he remarked in his most suave manner, "that you had been very *successful* in your profession."

LORD CHIEF JUSTICE RUSSELL once visited Leeds in his official capacity, and called at the county court. He became so interested in the proceedings that he broke in, and started conducting the case on his own account.

A WITNESS—a woman—in a case before Judge Greenhow in the Leeds County Court, broke down and wept because she could not understand the questions of a young London barrister, but the judge, who knows the ways and dialect of Yorkshire folk, remarked to her: "Why, missis, you mustn't be afraid o' us here. We are all your friends, you

know." The woman rallied, and, on leaving the box, said: "Eh! but aw nivver thowt aw'd be 'appy in t'court!"

LORD ALVERSTONE'S handwriting is notoriously bad. On one occasion he began to read aloud in court some of his manuscript notes, but after several gallant attempts he broke down, and explained apologetically that his handwriting was very bad.

HANDWRITING is often a weak point with lawyers. A famous barrister—by name John Bell—is recorded to have written in three hands: one of them no one but himself could read, another his clerk could read and he could not, and a third no one living was able to decipher.

MR JUSTICE AVORY can hardly be considered a maker of epigrams, but one retort of his when at the Bar is worth recording. The counsel opposed to him quoted a text from the Book of Job. "That evidence is not admissible," said Avory gravely, "seeing that you cannot put Job in the box and prove it."

LORD FIELD, as Mr Justice Field, hardly contributed to the store of judicial wit. However, one *bon mot* is recorded of him. A number of jurymen failing to answer to their names, he promptly fined them all £10. "That," he remarked, "should convince these gentlemen that silence may be golden on occasions like this."

THE decisions of Mr Justice Kekewich were constantly reversed on appeal. One retort which that fact occasioned is decidedly good. "If I were the trustee in this case," the learned judge once remarked, "I should be bound to give judgment against myself." "No doubt, my lord," replied counsel, "*but of course your lordship would appeal*!"

IN a fishery dispute in which Mr J. G. Witt, K.C., appeared for the plaintiff, his opponent got up and proceeded to read half-a-dozen original deeds of the reign of Queen Elizabeth. This was too much for Mr Justice Cave. "Now," said his lordship, "the counsel for the owner of this fishery has proved a title of one hundred years. That is long enough for anyone. But you, his opponent, stand there and keep reading a lot of dusty, fusty, old parchments of the reign of Queen Elizabeth, with what you say are different boundaries. You would uproot the title of every man in England if you had your way. I won't have it. There may be another world in which they will let you do it, but you shall not do it here!"

A RETORT by one of the witnesses in the famous case of "Saurin *v.* Starr" created much amusement in court. Coleridge—afterwards Lord Chief Justice—in cross-examining Mrs Kennedy, the mistress of the novices, ridiculed the triviality of the rules. She stated that among other peccadilloes Miss Saurin had eaten strawberries in the pantry

when she ought to have been engaged in some religious duty. The cross-examination proceeded as follows:—Coleridge: "Eating strawberries, really!" Mrs Kennedy: "Yes, sir, she was eating strawberries." Coleridge: "How shocking!" Mrs Kennedy: "It was forbidden, sir!" Coleridge: "And did you, Mrs Kennedy, really consider there was any harm in that?" Mrs Kennedy: "No, sir, not in itself, any more than there was any harm in eating an apple—*but you know all the mischief that came from that!*" Seldom has a witness scored in neater fashion.

THE following instance of sharp practice is related in *The London Chronicle*, 11th-13th January 1783:—

An attorney in Dublin, having dined by invitation with his client several days, pending a suit, charged six and eightpence for each attendance, which was allowed by the master on taxing costs. In return for this the client furnished the master-attorney with a bill of his eating and drinking; which the attorney refusing to pay, the client brought his action and recovered the amount of his charge. But he did not long exult in his victory; for a few days after the attorney lodged an information against him before the commissioner of excise for retailing wine without a licence; and, not being able to controvert the fact, to avoid an increase of costs he submitted by advice of counsel to pay the penalty, a great part of which went to the attorney as informer!

A MOST amusing instance of identification of counsel with client is related. It occurred in the case of a counsel for a female prisoner, who was convicted on a capital charge, and on her being asked what she had to say why sentence of death should not be passed upon her, he rose and said: "If you please, my lord, *we* are with child."

MR JUSTICE BRAY once inflicted a strange penalty on a solicitor whose clerk had omitted, through an oversight, to pay the common jurymen their fees. He ordered the solicitor to "wait on each juryman personally at his address," and pay him the fee due to him.

ONE of the most remarkable instances of the old technicality of the law is associated with the name of Mr Justice Buller. That learned judge quashed an inquisition for murder in 1827 because it referred to the jurors as "on their oath" instead of as "on their oaths."

"AT Appleby Assizes," says Lord Eldon, "I cross-examined a barber too severely. He got into a great passion. I desired him to moderate his anger, and said that I should employ him to shave me as I passed through Kendal to the Lancaster Assizes. He said with great indignation: 'I would not advise you, lawyer, to think of that, *or risk it*!'"

IN an appeal of murder reported in Coke the fact—that is to say, the killing—was not denied by the defendant; but he rested his defence upon a point of law—namely, that the deceased had provoked him by mocking him, and he therefore contended that it was not murder. The jury could not agree whether it was murder or not; but the major part of them were for finding the defendant "*not guilty*"; and if the court disliked thereof, that then they should all change their verdict, and find him "*guilty.*" In pursuance of this agreement the jury brought in their verdict *not guilty.* The court, disliking the verdict, sent the jury back again, who, in pursuance of the agreement made, returned and brought in their verdict *guilty.*

CHIEF JUSTICE HANKFORD is said to have evaded the law as to *felo-de-se* in this manner. Several of his lordship's deer having been stolen, he gave strict orders to his keeper to shoot any person met with in or near the park at night who would not stand when challenged. He then, on a dark night, threw himself in the keeper's way, and, refusing to stand when challenged, was shot dead upon the spot. The rotten stump of an old oak under which he is said to have fallen is called "Hankford's Oak" to this day.

WHEN Sir Joseph Jekyll died, he left his fortune to pay the National Debt. Lord Mansfield said: "Sir Joseph was a good man and a good lawyer, but his bequest is a very foolish one.

He might as well have attempted to stop the middle arch of Blackfriars Bridge *with his full-bottomed wig.*" The will was afterwards set aside by the relatives on the ground of imbecility.

ONE of the best-known works in legal literature is "*Fry on Specific Performance.*" On one occasion a barrister who wished to consult the volume sent his newly engaged boy to the chambers of a well-known conveyancer to borrow it. The boy returned with a message from the clerk to the eminent conveyancer that he had never heard of the work. Subsequent inquiries elicited the fact that the misguided youth had asked for "Fly in the Pacific Ocean."

CHIEF JUSTICE DOHERTY possessed much ready wit. At one of the vice-regal balls a brother judge, having imbibed somewhat too freely, was not very steady on his legs. On the following morning the Chief Justice was asked: "Is it true Judge —— danced at the castle ball last night?" "Well," replied Doherty, "I certainly can say I saw him *in a reel.*"

MR JUSTICE RIDLEY on one occasion addressing two youths whom a Durham jury had acquitted on a charge of housebreaking said: "You are discharged; don't do this again, because you know very well you *did* do it. I don't think you will find another jury so merciful."

THE only occasion when Mr Justice Maule—who was a little deaf—showed any irritation was when a witness persisted in a low tone of voice which it was difficult for him to catch. He once said to a witness who would persist in mumbling, after being frequently remonstrated with: "Witness, for the sake of God, *and your expenses*, do speak out!"

A COUNSEL, defending a prisoner, cross-examined a woman thus: "Tell me, good woman, what sort of money had you?" "I had eight shillings in silver, and a sovereign in gold," replied the old dame. "Tell me," said the lawyer, drawing himself up proudly, "did you ever see a sovereign in anything else but gold?" "Oh yes, sir! I saw Queen Victoria, God bless her!"

LORD CHIEF BARON POLLOCK was a very merciful judge, and criminals were always pleased when he was to try their case. On one occasion the chaplain of a gaol had worked a hardened sinner into such a repentant state of mind that he had declared his intention of pleading guilty to the indictment as a small reparation to society. However, when he was arraigned at the Bar, he pleaded "not guilty" and was acquitted. The chaplain asked him why he had professed so much, and done so little, to which the man replied: "Well, your reverence, I did intend to plead guilty and take my punishment, and mend my ways, but, Lor' bless you, I never guessed that it was to be the Lord Chief Baron.

As soon as I clapped my eyes on the dear old boy I know'd I had a good chance, and so I up and said, 'Not guilty, my lord,' and I know'd by his look he meant to get me off. If they was all like him it would be better times for us!"

LORD JUSTICE BUCKLEY, in a case heard by the Court of Appeal, once classified witnesses as follows:—"There are four classes of witnesses: (1) the timid, who is afraid to say too much, and therefore seldom comes up to his proof; (2) the enthusiastic witness, who always exaggerates, however unwittingly; (3) the witness who is neither nervous nor given to exaggerate, and tells a plain, straightforward story; (4) the witness who tells the truth, but not the whole truth, and keeps something back."

ON one occasion Mr Cock, Q.C., who was a decidedly self-satisfied advocate, had just finished with a witness when Lord Justice Vaughan Williams put a question, remarking after he had received his answer: "I was wondering, Mr Cock, why you didn't ask that." "I was much inclined to do so, my lord, but I felt rather nervous." "And pray, Mr Cock, *how did you enjoy the sensation*?" was the Lord Justice's reply.

WHEN Baron Rolfe became Lord Chancellor Cranworth on the fall of Lord Westbury, Queen Victoria said to him on promotion: "Now you see how much better it is to be honest than clever."

CHIEF JUSTICE DOHERTY, observing a lady with a dress so low in the bosom as to excite remark, on being asked, "Did you ever see the like of that before?" promptly replied: "*Never since I was weaned.*"

THE House of Lords decided in 1907 that "a sewer is capable of actual occupation within the meaning of the Income Tax Act!"

WITNESSES are terribly prone to mumble their evidence when in the witness-box. On one occasion this happened in a case tried before Mr Justice Manisty. In the middle of the second day of the trial the last witness for the defendant, a gentleman of unusually clear utterance, was in the box, and in the course of his evidence said: "The near wheel of the omnibus then struck the side of the tramcar." "What did you say?" said the learned judge. "This is the first I have heard of any tramcar." "My lord," replied counsel, "we are trying a collision between an omnibus and a tramcar." "Oh dear, oh dear!" exclaimed Manisty, "I thought it was a collision between an omnibus and a sand-cart—now I shall have to alter all my notes!"

MR JUSTICE MANISTY, who was a thin, spare man, was accustomed to take some few glasses of old Port after dinner. Not being quite so well us usual, and feeling rather weak, he consulted Sir Andrew Clarke, who asked him what he ate and drank, advising something contradictory.

"Sir Henry," said Sir Andrew, "you must discontinue the Port, and try claret." The learned judge had no faith in this advice, believing rightly that the wine of Portugal is far more strengthening than that of Bordeaux. However, he had paid the fee, and got the opinion, and thought that he ought to at all events try and follow Sir Andrew's advice. So for three weeks he drank Chateau Margaux in place of his old vintage Port. At the end of that time he again visited his medical adviser, and explained that he had felt himself getting weaker each week, and that if he went on with "that French stuff" he would not be able to get down to the court at all. So Sir Andrew gave way, and told the patient he might return to his Port. "That is all very well," said Sir Henry Manisty, "*but how about the arrears*!"

JUDGES sometimes find it necessary to show their strong disapprobation of applause in court. Lord Justice Phillimore once ordered the arrest of a man who applauded a verdict of "*not guilty*" in the Shrewsbury Assize Court. It is seldom, however, that a judge treats these demonstrations as sternly as Lord Chief Justice Coleridge, who, during a trial at Leeds in 1893, sent an unfortunate youth to prison for forty-eight hours for allowing his feelings of emotion to overcome his sense of decorum.

BARON HULLOCK died on circuit, and a brother baron mentioned the loss thus sustained by the profession when he addressed a Grand Jury next day, saying of his deceased brother judge:

"He circumscribed the ocean of the law *with firm and undeviating steps.*"

BARON MARTIN once took Frank Talfourd on circuit as his marshal, and was persuaded by him to read one of Shakespeare's plays. Asked how he liked the play—it was *Measure for Measure*—the Baron replied: "Well, I can't say I think much of it. It contains atrociously bad law, and I am of opinion that your friend Shakespeare *is a very overrated man*!"

LORD CHELMSFORD relates that a friend of his at the Bar was once engaged in a nautical case in which it appeared that a vessel, in a severe gale of wind, had been thrown upon her beam-ends. The barrister, who appears to have had a smattering of nautical matters, asked a sailor who was in the witness-box how it was they did not lower the topmast, upon which the witness replied with a sneer: "If you knew as much of the sea as I do, you would know that that is not a very easy matter in a gale of wind." This incident led the counsel to turn his attention to the subject; in consequence of which he invented an apparatus for lowering topmasts, for which he obtained a patent, and realised upwards of £20,000 by his invention.

THE following is a good example of the retort courteous given by Sir Charles Mathews to a querulous judge of the High Court. Sir Charles, during a case tried at the Old Bailey before a judge

of the High Court, called a witness bearing the name of John Jones. The learned judge complained that he could not find the deposition of the witness. Sir Charles Mathews told his lordship he would find it at the end of the bundle. The judge looked through the depositions with signs of impatience. "Really, Mr Mathews," said he, "it is very inconvenient to have witnesses called out of their proper order." Sir Charles Mathews (*to witness*): "John Jones, please stand down!" (*to the learned judge*): "Will your lordship be good enough to say which witness you would like to be called?" The judge: "Surely it is no business of mine to instruct you how to conduct your case." Sir Charles Mathews: "That, my lord, *is precisely the view I had entertained.* John Jones!" And the witness once again took his place in the witness-box.

IN the Court of Queen's Bench, the name of Charles Dickens having been called, Lord Campbell said: "The name of the illustrious Charles Dickens has been called on the jury, but he has not answered. If his great Chancery suit—'Jarndyce *v.* Jarndyce'—had been still going on, I certainly would have excused him, but, as that is over, he might have done us the honour of attending here, that he might have seen how we went on at common law."

A GOOD story of an expedient by which a smart counsel gained a verdict is the following. Mr Justice Gould was the judge, and Erskine counsel

for the defendant. The judge entertained a most unfavourable opinion of the defendant's case, but, being very old, was scarcely audible, and certainly unintelligible to the jury. It is said that while he was summing up the case, Erskine, sitting on the Queen's Counsel Bench, and in full view of the jury, nodded assent to the various remarks which fell from the judge; and the jury, *imagining that they had been directed to find for the defendant* immediately did so.

SOME remarks of keen judicial wisdom, on the subject of litigation, once fell from Lord Justice Knight-Bruce in the case of "Danks *v.* Farley." Danks and Farley had been intimate friends and neighbours for many years, but they quarrelled about the amount of a plumber's bill. Farley placed the value of his work at £96, while Danks accused his old friend of charging him £11 too much. In dealing with the case, the Lord Justice said: "So, and upon no great matter—upon a matter which, if they had not good sense enough to settle it for themselves, some respectable neighbour would probably, upon application, have adju ted for them in an hour—began the career of cost and heat and hatred, of reproach, scandal and misery, in which they are now engaged, of which neither this day, nor this year, nor perhaps another will, I fear, see the end, and which seems well to exemplify an old English saying that the mother of mischief is no bigger than a midge's wing."

A WITNESS, being asked one day what his occupation was, answered that he kept a racket court. "*So do I*," said Lord Norbury, puffing and glancing at his "company."

LORD BRAMWELL used to tell a story illustrating the absolute paralysis which may affect the human mind at trying moments—in the witness-box for example. Once, on board a Rhine steamboat, he noticed a lady passenger in the utmost distress, trying by signs to explain to the officials some matter of consequence. Fancying that she was a countrywoman of his, the Baron went to her assistance, and asked: "Do you speak English?" The poor lady had so lost her head that she could only stammer out: "*Un peu.*" Lord Bramwell therefore continued the conversation in French, scarce a word of which the lady understood. German and Italian gave equally bad results. Finally the lady muttered audibly to herself: "How I wish I were safe at home!" "But surely you *do* speak English?" asked Baron Bramwell. "I can't speak anything else," sobbed the lady, "and that is what makes me so helpless among the foreigners!"

WHEN Lord Mersey—as Mr Bigham—entered the chambers of Lord Russell of Killowen, the famous advocate's first question to him was: "*What on earth has induced you to come to the Bar?*" a question which completely nonplussed the future Mr Justice Bigham. However, he had his reward for coming to the Bar. He once told a company of

law students: "The first year I made seven guineas, the second, I think I made seventy, the third year about £140, and the fourth about £400. From that time I went rapidly forward."

WITNESSES try in various ways to avoid taking what they consider a binding oath. A favourite plan, supposed to relieve them from all obligation, is, when being sworn, to kiss the thumb, instead of kissing the book. Before Baron Pennefather at Tralee Assizes a witness did so. One of the counsel said: "The witness kissed his thumb, my lord." "Why did the witness kiss his thumb?" asked the Baron. "He is blind of an eye, my lord," replied the clerk of the Crown.

A LITTLE girl was a witness in an Irish court, and before examining her the judge, as usual, put a few questions to ascertain her fitness for giving credible evidence. He said: "Little girl, do you know where you will go to if you tell a lie?" The child hesitated for a moment, and then answered, with the true Catholic instinct: "Truth, yer honour, *I'll go to Father Mollowney*!"

O'CONNELL said he remembered a witness who was called on to give evidence to the excellent character borne by a man whom Chief Baron O'Grady was trying on a charge of cow-stealing. The witness got on the table with the confident air of a fellow who had a right good opinion of himself, and went on shifting a glove from one hand to the other, to keep

up the appearance of having a whole pair of them. "Well," said the judge, "do you know the prisoner at the bar?" "I do, right well, my lord." "And what is his general character?" "As honest, dacent, well-conducted a man, my lord, as any in Ireland, which all the neighbours knows; only—only—there was something about stealing a cow!" "The very thing the prisoner is accused of," cried the judge, interrupting further laudation!

JESSEL, when Solicitor-General, once had a brilliant passage at arms with Lord Chief Justice Cockburn, whereupon a little creature at the Bar said to Serjeant Parry: "Why, Parry, he drops his aitches!" Serjeant Parry—his forehead moving backwards and forwards, as was usual when he was excited—turned round and glared at him, saying: "Sir! I would rather drop my *h's* with Jessel in hell, than aspirate with you in heaven!"

LORD CHIEF JUSTICE COLERIDGE was such a perfect elocutionist that one of his friends said: "I should enjoy listening to Coleridge even if he only read out a page of Bradshaw!"

AN amusing story is told of Sir Frederick Thesiger, who had one day a brief delivered with a cheque for a hundred guineas pinned to it. But Sir Frederick was busy, and returned the cheque and brief. The same brief with a new back sheet and a fresh cheque was sent to Sir Fitzroy Kelly, who was also in difficulty, so he sent the brief round to his

friend Sir Frederick with his compliments, and asked him to be kind enough to hold it for him—*but he kept the fee*!

LORD BRAMWELL, differing on one occasion from Jessel, Master of the Rolls, said: "It is quite unnecessary for me to express my very great respect for any opinion of the Master of the Rolls, and I am really surprised at finding I can differ from him *with so much confidence as I cannot help feeling* on the present occasion."

SOMEONE was telling Jekyll of a solicitor who had recently died, and it was found there were very few *effects* left. The wit answered: "It could scarcely be otherwise; he had so very few *causes*."

SERJEANT DAVY was once engaged at the Old Bailey, and a very strong case having been made out, Mr Justice Gould asked who was concerned for the prisoner, upon which Davy said: "My lord, I am concerned for him, and *very much concerned* after what I have heard."

LORD GORELL once gave an amusing description of the trials of a Divorce Court judge. He was suffering from rather a bad headache, and when asked how he got it, he replied: "It is all the result of scent. The ladies of the Divorce Court love perfumes. It has been a hot and tiring day for me, for each of the witnesses (who are placed in the box quite close to the judge) has come into court and

waved about a handkerchief saturated with scent. I have inhaled patchouli, white rose, heliotrope and half-a-dozen other perfumes since breakfast, and, unfortunately, the more emotional ladies become, the more they wave these scraps of scented cambric and apply them to their eyes."

CHIEF JUSTICE WILLES, of the Common Pleas, though a good lawyer, was scarcely fitted by his habits and character for the high post to which he was appointed. Nor would he readily tolerate the impertinence of anyone who ventured to remind him of the inconsistency of his conduct with the dignity he ought to observe on account of his judicial character. It is told by Horace Walpole, who was inclined to be one of his admirers, that a grave person once called on this Chief Justice to inform him that certain scandals were reported, impeaching his moral character, particularly the fact of one of his maid-servants being in an interesting condition. "Well, sir," replied Willes coolly, "*and what is that to me*?" "Oh! my lord, but they blame *you* for it." "Well, sir, *and what's that to you*?" was the Chief Justice's reply.

LORD MACNAGHTEN was fond of imparting a touch of gaiety to the judicial work of the House of Lords. A decision of the Court of Appeal in a revenue case was reversed by the Law Lords, Lord Macnaghten beginning his judgment as follows:— "This case seems to me to be very plain and very

simple, but I must express my opinion with diffidence, because I find that the view which I venture to think so plain and simple has been described by one of the learned Lord Justices in a most elaborate judgment as 'based on premises which are absurd and ridiculous.'"

A MAN was once being tried before Lord Justice Phillimore at the Leeds Assizes for the murder of his wife. "Did you say to your wife: 'If you don't bloody well take care you will repent of it?'" the prisoner was asked. "No, I couldn't have said that; I don't use that word," he replied. "I suppose," interposed Lord Justice Phillimore, "it is the word beginning with *b* that you do not use?" "Oh no!" answered the prisoner; "I do use that word. It's the word *repent* which I don't use!"

DURING the hearing of a case in the House of Lords, in which the question of "molesting" was being argued, Lord Watson so continually interrupted counsel that Lord Morris was tempted into saying: "I think the House quite understands now the meaning of '*molesting a man in his business.*'"

A COUNSEL employed by a man charged with biting off another man's finger secured an adjournment of the trial. The evidence of the prosecution, when at length the trial was reached, showed that the prisoner was guilty. "I will prove to you in a moment, gentlemen, how absurd is this charge against my innocent client," exclaimed the prisoner's

counsel. "Go into the witness-box." The prisoner did as he was told. "Open your mouth," shouted his advocate. The prisoner had not a tooth in his head. *The delay had been turned to dental account!*

ONE day Baron Martin and Baron Bramwell were sitting together in a wretched room at the top of the building which formerly disfigured the west side of Westminster Hall. Counsel was arguing dead against a precedent of the highest authority. "Now," said Baron Martin, "if you think that I and my brother Bramwell, *sitting up in this cock-loft,* are going to overrule the judgment of the House of Lords, you were never more mistaken in your life."

SIR CHARLES RUSSELL, when a Q.C., used to pretend, in cases in which he was appearing, to go to sleep when the opposing counsel was addressing the court, in order to convey the impression that his opponent was too tedious to be heard. Mr Gill, when an unknown counsel, startled the court by shouting out on one such occasion: "Now, Sir Charles, don't pretend that you are asleep; we know that dodge and are tired of it!" It is said that Gill was the only man who had ever ventured to beard Sir Charles Russell in court.

IRISH witnesses, especially when belonging to the peasant class, are often a trial to counsel, for not only are they quick at repartee, but their answers are often confusing by their quaintness and whimsicality. In a court in the north of Ireland an old woman

was exceedingly garrulous, and insisted on telling the court what she would do if she were on the Bench. The judge at last exclaimed: "An old woman is not fit for the Bench." "Shure your lordship ought to know from experience," was the retort, which convulsed the Bar, for the judge in question had earned the sobriquet of "Old Woman."

MR BALDWIN was the counsel employed to oppose a person justifying bail in the Court of King's Bench. After some ordinary questions, a waggish counsel sitting near suggested that the witness should be asked as to his having been a prisoner in Gloucester gaol. Mr Baldwin thereupon boldly asked: "When, sir, were you last in Gloucester gaol?" The witness, a respectable tradesman, with astonishment, declared that he never was in a gaol in his life. Baldwin, being foiled, after putting the question in various ways, turned round to his friendly prompter and asked for what the man had been imprisoned. He was told that it was for suicide. Thereupon, with great gravity and solemnity, he addressed the witness: "Now, sir, I ask you upon your oath, and remember that I shall ask his lordship to have your words taken down, *were you not imprisoned in Gloucester gaol for suicide*?"

A WITNESS was examined at a trial of an action for the price of goods which were alleged by the defendant to have been returned as not according to sample. "Did you ever see the defendant return the oats?" "Yes, your honour," was the

reply: "*On what ground* did he refuse to accept them?" "In *the back yard*, your honour," retorted the witness.

IT is not an easy matter when our judges drop their dignified costume of wig and gown, and appear in the tall hat and tail coat of everyday life, to distinguish them from ordinary citizens. On one occasion Mr Justice Hawkins, who always wore his hair close-cropped, was on circuit in the south of England, and went for a country walk with a brother judge. Being thirsty, the two judges entered a wayside inn, in the rear of which were two labourers playing skittles. They decided to join in the game, and each taking one of the players as a partner entered into the game with spirit. Getting hot, Mr Justice Hawkins took off his coat; getting hotter, he removed his hat. His lordship's partner at once stopped playing. "Go on, my friend," said Hawkins; "why do you stop?" "I don't mind bein' neighbourly," replied the man, looking at Hawkin's close-cropped head, "but I'm darned if I be a-goin' to play skittles with a ticket-o'-leaf man!"

A JUROR asking to be struck off the list on account of his age, Baron Dowse replied: "Well, sir, you may go your way, but were you a judge, you would be only in the *prime of life*."

THERE are many tricks by which men seek to evade the duty of serving on a jury. The following is an amusing instance. One morning a

little girl appeared before the Associate, and timidly said: "Father can't come, sir, he can't put on his boots." The Associate asked the child what was the matter with her father. She hesitated, evidently not having been instructed further than the statement she had made, and, looking straight into the Associate's eye, she said: "Well, sir, father don't wear boots; he's got wooden legs. I wasn't told to tell you anythink else, sir; that's all!"

BARON ROLFE—afterwards Lord Cranworth—presided at the trial at the Norfolk Assizes of the murderer Rush. This murder created a tremendous sensation at the time, owing to its peculiarly atrocious character. Throughout the trial the prisoner behaved with singular effrontery, and endeavoured to browbeat the judge; but Rolfe was equal to the occasion, and exhibited a firmness and presence of mind which won for him golden opinions. When he was subsequently raised to the peerage, the wits of the Bar observed that his title ought to have been, not Lord Cranworth, but *Lord Kilrush*.

LORD CRANWORTH was responsible for some good decisions. The law is perhaps rightly suspicious of gifts; at least it requires good evidence, unequivocal evidence. The *animus donandi* will not do. The gift must be completed by deed or delivery. The result is that the good intentions of would-be donors are often defeated, as was the case in "Jones *v.* Lock" (1 Ch. App. 25). There a father in a generous mood put a cheque for £900 into his

child's hand, saying: "I give this to baby for himself." "Take care, he will tear it," said his careful mother. "He may do what he likes with it," said his father; "it is his own." Then he took the cheque away and locked it up in a safe. It was rather hard that after this, the baby did not get the benefit of the cheque. Lord Cranworth held the gift incomplete, and could not see his way to spell out a declaration of trust.

J. P. BENJAMIN was once arguing a case in the House of Lords, with Lord Selborne presiding. The learned counsel very early in his argument formulated, after his manner, the propositions of law for which he was about to contend. One of these drew from Lord Chancellor Selborne the word: "*Nonsense!*" Benjamin stopped short, slowly put his papers together, tied the tape round them, made a low bow and left the Bar of the House. His junior had to fill the breach; but before he had proceeded far in his argument the Lord Chancellor said that he was sorry that Mr Benjamin had left the House, and he was afraid he was the cause of it in saying what he ought not to have said. This incident happened shortly before Lord Selborne found it necessary through indisposition to abstain for a time from the labours of his office.

O'GRADY, the Irish barrister, was examining a foreign sailor at Cork Assizes. "You are a Swede, I believe?" "No, I am not," said the witness. "What are you, then?" asked O'Grady.

"A Dane," was the reply. O'Grady turned to the jury: "Gentlemen, you hear the equivocating scoundrel. *Go down, sir!*"

LORD CHIEF JUSTICE TINDAL once on his way from Shrewsbury to Hereford (on the Oxford Circuit) ran over and killed a pig. An old woman to whom the pig belonged came out and abused him vehemently. Sir Nathaniel, who was the very personification of good humour, asked the enraged matron what the pig was worth. On her naming £2, he at once handed her the amount (not depriving her of the pork and bacon) and said: "There, my good woman, is forty shillings for you, *and that, you know, carries costs*!"

GARROW, when at the height of his reputation, was examining a witness in the Court of King's Bench. Among other questions, he asked him if he were not a fortune-teller. "I am not," replied the witness; "but I can tell yours." "What is that to be?" asked Garrow. "Why, sir, as you made your first speech at the Old Bailey, so you will make *your last there.*" "Witness!" exclaimed Lord Keynon, quite scandalised, "I shall commit you for your insolence." "Take care, my lord," was the answer, "that you do not commit yourself."

ELECTION petitions have always been one of the most lucrative branches of forensic work. Lord Brampton, in his Reminiscences, writes: "One day Baron Martin asked me if I was coming

to such-and-such an election petition. 'No,' I answered, 'no; I have put a prohibitory fee on my services.' 'How much have you put on?' asked Martin. 'Five hundred guineas, and two hundred a day,' replied Hawkins. The Baron laughed heartily. 'A prohibitory fee! They *must* have you, Hawkins, they *must* have you. Put on what you like, make it high enough, and they'll have you all the more.' Hawkins did, and profited by the advice."

AT the Exeter Assizes in 1872 a case turned upon the legal definition of a "wild animal." The prisoner, a fisherman, was charged with stealing a lobster by abstracting it from the "pot" of a fellow-fisherman, the said "pot" being sunk in the English Channel off the coast of Devon. Counsel for the defence raised the objection that a lobster was a wild animal, and therefore a criminal information could not be maintained. The judge ruled that a lobster was not a wild animal, and considerable time was wasted in argument before the legal status of the crustacean was fixed.

SIR JOHN SYLVESTER, Recorder of London, was one day cleverly robbed of his watch by a thief whom he tried at the Old Bailey for petty larceny. During the trial Sir John happened to say aloud that he had forgotten to bring his watch with him. The thief, being acquitted for want of evidence, posted off to the Recorder's house, and asking for Lady Sylvester, said the Recorder sent his love, and

requested that she would immediately send his watch to him. The watch was thereupon handed over to the thief, and the Recorder never set eyes upon it again !

JURIES have on many occasions added to the gaiety of nations by their curious verdicts. A Welsh coroner once recorded a verdict on the death of a woman that " she fell into the Glamorganshire canal, and, being of unsound mind, did kill herself." Even more inexplicable was the verdict of a jury who arrived at an amazing decision in an action for negligence. The jury found that a man fell downstairs in the dark, but agreed that the darkness was not due to the defendant's negligence. The plaintiff was nevertheless awarded five pounds, and it was suggested that the employer should erect a notice *warning persons against falling down the stairs* !

O'CONNELL used to tell the following story of a physician who had been detained for many days at the Limerick Assizes to which he had been subpœnaed as a witness. He pressed the judge to allow him his expenses. " On what plea do you claim your expenses ? " asked the judge. " On the plea of my having suffered personal loss and inconvenience, my lord," replied the simple applicant. " I have been kept away from my patients these five days—and if I am kept here much longer, how do I know but that they'll get well ! "

O'CONNELL'S old confessor—Father Grady—was once tried in Tralee on the charge of being a Popish priest, but the judge defeated Father Grady's persecutors by distorting the law in his favour. A flippant scoundrel came forward to depose to Father Grady having said Mass. "Pray, sir," said the judge, "how do you know he said Mass?" "Because I heard him say it, my lord." "Did he say it in Latin?" asked the judge. "Yes, my lord." "Then you understand Latin?" "A little." "What words did you hear him say?" "Ave Maria," was the man's reply. "That is the Lord's Prayer, is it not?" asked the judge. "Yes, my lord," said the witness. "Here is a pretty witness to convict the prisoner," said the judge. "He swears Ave Maria is Latin for the Lord's Prayer!" Father Grady was acquitted.

O'CONNELL was once engaged in an action for breach of promise of marriage brought by a lady named Fitzgerald against a clergyman named Hawkesworth. The correspondence read upon the trial was comical enough. The lady, it appeared, had at one time doubted his fidelity, whereupon the parson wrote to reassure her in these words: "Don't believe anyone who says I'll jilt you. They lie who say so; and I pray all such liars may be condemned to an eternity of itching without the benefit of scratching." Three thousand pounds damages were given against him. He decamped to America upon a preaching speculation which proved unsuccessful; he returned to Ireland and married the plaintiff!

FRANCIS M'DONAGH, Q.C., was a well-known member of the Irish Bar. On one occasion he led for the plaintiff, who was a wine merchant, the case being one of considerable difficulty. M'Donagh commenced to address the jury: "Gentlemen, amongst the greatly-to-be-respected trading class of your city there is not one more distinguished for its severe and universal probity than the grocers. The plaintiff, whom I unworthily represent, is a grocer." The solicitor, sitting below, whispered: "Wine merchant." On M'Donagh went, expatiating in all possible ways on the virtue of grocerdom, and ringing the changes on his client being a grocer. Now and then the solicitor interjected a correction: "Wine merchant." At length the Q.C. grew impatient of the solicitor's interruptions, and, lowering his head, he pulled the solicitor to him, and hissed in his ear: "Silence, sir. Damn you, silence. Don't you see *that nine of them are grocers*!"

MR JUSTICE PATTESON was fond of expressing himself in a joking way. During the trial of a case at Derby a good-looking woman was asked to describe the appearance of a man, and all she could say was that she thought "he looked as if he was getting old"; whereupon Patteson asked her when she thought a man was getting old. She replied, when he was sixty-five. In summing up the case to the jury Patteson had occasion to go over the evidence, and on coming to that given by the young woman he remarked: "Gentlemen, the

next witness was Mary Wilson, a very pretty young woman, which I daresay you remember, but possessing peculiar notions as to age; for you may recollect, when asked to describe a man, she said he appeared as if he was getting old, and being questioned by myself as to when she thought a man was getting old, she actually said 'at sixty-five!' Why, gentlemen," said the judge, "I'm sixty-five, and I declare to you I am a perfect chicken!"

BARON HUDDLESTON once described a barrister's life as consisting of three stages. In the first he is ambitious and cares only for work; in the second he is mercenary and cares only for fees; in the third, a stage reached only by a few, he cares neither for work nor the fees.

MR JUSTICE CRAMPTON—an Irish judge—had an inveterate habit of nodding his head at counsel arguing before the court. "Go on, Mr Cooper," said Mr Justice Burton. "Why do you stop suddenly in the middle of your argument?" "I really can't, my lord, proceed while Judge Crampton is nodding his head at me; and the smack of his lips every five minutes is like the uncorking of a bottle." And so it was. Mr Justice Crampton, a most polished gentleman, far from being incensed at the rudeness of the lawyer, said: "I am really not aware of these peculiarities, and I am grateful for the rebuke, but no man is conscious of his own peculiarities!"

A BLACK patch on the top of the wig used to differentiate the Serjeant-at-Law from his brethren. The origin of it is worthy of record. In Tudor times, if not before, fashion required the serjeant to wear a small skull-cap of black silk or velvet on the top of the coif. When their dress was altered, the serjeants were unwilling to lose sight of their coifs altogether, and it was suggested on the wig by a round patch of black and white representing the white coif, and the cap which had covered it.

TESTATORS are not always as eccentric as the courts so constantly represent them to be. Mr Justice Eve had once to interpret the testamentary wishes of a wealthy gentleman who bequeathed to his son "my tin despatch-box at present at the Wilts and Dorset Bank." The box contained securities of considerable value, and one of the questions which the learned judge had to decide was whether the bequest of the box included the contents. His lordship said he felt bound to adhere to the plain words of the will, and regretfully decided that only the box passed, and not the things contained in it." A Chancery jest indeed!

LORD JUSTICE MATHEW had a large fund of humour. "Poland, at whose name freedom shrieks," was the apt quotation he once applied to Sir Harry Poland, when that distinguished lawyer was the chief prosecuting counsel for the Crown.

IT is related of Mr Justice Field that on one occasion the under-sheriff of a southern county, having lunched too generously, sat himself beside Mr Justice Field on the Bench and proceeded to display his interest in the case by addressing some comments on the proceedings to the learned judge. His patience at last exhausted, Field burst out: "Never dare to address me again, sir, *except upon affidavit*!"

A CURIOUS fact is related concerning Vice-Chancellor Bacon. On the hearing of an appeal from one of his judgments, the Lords Justices sent for his notes, which proved to consist of a single sheet of paper, on which was drawn a caricature of the appellant with the words, "*This man is a liar*," written below it.

AN amusing story is told of a veterinary surgeon who was called in a case to prove that a horse was a "*roarer*." Serjeant Ballantine was on the other side, and in his loudest tones said to the witness: "If you say that my client's horse was a '*roarer*,' just represent to the jury the sort of noise he made." "No," said the vet. "You see that is not my business. Now, if *you* will be the horse and make the noise, *I*, as veterinary surgeon, will determine whether you are a roarer or not." This line of cross-examination was not continued.

SOME of Chief Baron O'Grady's charges to juries were very quaint. In Kerry a number of men were indicted for riot and assault. Several were O'Donoghues, Moriartys, Duggans, etc., and many

of the jury bore the same names. Aware of the relationship prevalent throughout Kerry, when the case closed his lordship prefaced his address to the jury with the significant remark : " *Of coorse, gentlemen, ye'll acquit your own relatives.*"

AN amusing story is told of Lord Hannen. The incident happened in the Divorce Court over which he presided. As Mr Justice Hannen he was known as a very strict and stern ruler of his court, no man dared to take a liberty with him, and on only one occasion was he ever known to be hoaxed. A juryman, dressed in deep mourning, serious and downcast in expression, stood up and claimed exemption from service on that day, as he was deeply interested in a funeral of a gentleman at which it was his desire to be present. " Oh, certainly," was the courteous reply of the judge, and the man left the court. " My lord," interposed the associate, as soon as the ex-juryman had gone, " do you know who that man is that you exempted ? " " No," said the judge. " *He is an undertaker,*" replied the associate.

ONE of Sir George Jessel's most characteristic judgments was delivered in the Court of Appeal in the case of " Combe *v.* De La Bere," where the defendant sought for a prohibition against the Dean of Arches on the ground that Lord Penzance had no right to sit in the " Palace of Westminster." " I am sorry to say," said the Master of the Rolls, " the time of this court has been consumed for a whole day by what I will admit to be a very interesting argument on the part of Mr Phillimore (now Lord Justice

Phillimore) showing great antiquarian and legal research on the question as to whether a judge who pronounced a sentence which is not otherwise found fault with was sitting in the right room. That is the whole point. I suppose if he had walked into the street outside and delivered his sentence no possibility of objection could have arisen." The objection was unanimously overruled by the court affirming the judgment of Mr Justice Chitty.

"MY lord," said counsel, opening a case before Mr Justice Mathew, "in this case both the plaintiff and the defendant were exceedingly sharp." "And I have to say," remarked Mathew, "which was the sharper!"

WHEN Lord Mersey was at the Bar as a junior, he had a large practice at Judge's Chambers, and there had many a prolonged fight with Mr Justice Field, an able judge, but in later life very deaf, which made him extremely irritable at times. One morning when in a bad humour he said angrily to Mr Bigham, who, he thought, was enforcing his argument too strongly: "Mr Bigham, Mr Bigham, you are not at all yourself this morning." To which Bigham replied: "Unfortunately, my lord, you are!"

SIR FRANK LOCKWOOD was once re-examining a client in regard to various companies, a good many of which had been wound up. The Automatic Musical Instruments Company came up for notice—a company for utilising a kind of street-

organ piano. "That," said Sir Frank genially, "had to be wound up anyway!"

MR GILL, K.C., was once threatened by a domineering judge that he would commit him for contempt of court, to which threat Gill replied, "That raises an interesting question, m'lord, as to your lordship's power to commit a counsel when engaged in a case before your lordship," and then proceeded with his argument.

ON one occasion Sir Robert Finlay had to cross-examine a highly disreputable lady who firmly declined to disclose her address. After some pressure she stated where she lived, and ultimately invited Sir Robert to drop in and have a cup of tea sometimes. He looked askance at the witness, and promptly sat down.

ONE of the warmest supporters of Tithe Corporation Act was Lord Plunket, who had a son in the Church. "How is it," asked someone, "that so sensible a man as Plunket cannot see the imperfections in the Act?" "Pooh! the reason's plain enough," replied Lord Norbury; "he has the son in his eye."

LORD JUSTICE BOWEN was fond of putting posers from the Bench to his old friend Sir Horace Davey. "I am very, very sorry, my lord," said Sir Horace on one occasion, "but the constitution of my mind is such that I cannot see that point." "It is not for me, Sir Horace," replied

Bowen, "to condole with you on the constitution of your mind, but this point must be discussed by someone who is not thus prevented."

THERE was once a bright specimen of the Great Unpaid, who, in committing a man for trial on the capital charge, delivered himself thus: "On the evidence before us, we have no option but to commit you for trial at the forthcoming Assizes, but in the meantime we strongly urge you to make your peace with Almighty God!" Fortunately such *obiter dicta* are rare!

AN incident of considerable interest once took place at the Staffordshire Assizes. Mr Jelf (afterwards Mr Justice Jelf) objected to an item in a bill of costs of five guineas for counsel, on the ground that as no counsel had appeared in the case, no such fee could have been taken. Mr Underhill remarked that "it is difficult to say what a barrister is capable of," and added: "The scope of some barristers is enormous—grasping, my lord." Mr Justice Hawkins said that in the days of his practice at the Bar when he took a fee he was "always present," a remark which all the solicitors who ever briefed Hawkins would undoubtedly have endorsed.

LORD JUSTICE MATHEW on one occasion had a money-lender before him, who protested with vehemence against the assumption that he was interested in nothing but the getting of money. "For instance, I am much interested in birds," he exclaimed. "*Pigeons?*" gently inquired the judge.

SIR FRANK LOCKWOOD, Q.C., was very popular with jurors. The following story is a tribute to his powers in that direction. On one occasion a gentleman summoned upon a special jury tried his utmost before his name was called to obtain exemption from service. The usher was complaisant, but obdurate, and in vain did the embryo juror urge all manner of reasons against his fitness to sit in judgment at an important trial. He was ill, and depressed, and had undergone domestic trouble, and he was certain that the dullness and dreariness of a day's sitting in court would exercise the most deleterious influence upon his health. The usher innocently observed: "Oh, Mr Lockwood is in this case, and he's sure to make you laugh." "I don't want to laugh," replied the imaginary invalid." "Can't help you, sir," rejoined the official; "you are regularly summoned, and I have no power to let you off; you must appeal to the judge." The victim went into the box resignedly, and later in the day—for Lockwood was in his best form—invited the usher to join him in a glass of wine, remarking that he had seldom spent such an enjoyable time. "If all barristers were like him," said the juryman, "I should never mind being called upon. All I have ever heard before were calculated to drive you to sleep!"

MR JUSTICE HAWKINS would either be very early or late in court, for purposes, as was suspected, of personal convenience. On one occasion when he apologised on the ground of the traffic in the

streets which had delayed his cab, a humorous junior audibly remarked: "Had not that better be put on affidavit?"

LORD JUSTICE PHILLIMORE was once asked to help Mr Justice Barnes (Lord Gorell) in the Divorce Court, but declined to take divorce cases owing to conscientious objections to divorce, whereupon Mr Justice Barnes remarked: "I suppose next we shall have a *Unitarian* judge refusing to sit with the *Trinity* masters."

LORD MORRIS used to tell a good story of his experience of a Grand Jury of a certain rather disturbed county in Ireland. "'Gentlemen of the Grand Jury,' said I to them, 'will you take your accustomed places,' and may I never laugh if they didn't all walk into the dock!"

MR JUSTICE GRANTHAM once got into serious trouble with the Bar and the Bar Committee by propounding the doctrine that "counsel are paid to raise false issues before the jury." It was characteristic of him that while he made every reparation to the particular counsel to whom these words were addressed, he treated with defiance the remarks of the Bar Committee.

MR JUSTICE DAY was one of the quiet humorists of the Bench. On one occasion at the Leeds Assizes a witness in a case heard before him deposed that the defendant spoke of the

plaintiff as a "damned thief." The defendant's counsel at once interposed in correction: "A damned thief of a lawyer, my lord." "That addition," said Mr Justice Day in his calm and philosophic way, "renders the saying perfectly innocuous."

AN amusing incident once occurred before Mr Justice Hawkins in connection with Mr H. F. Dickens' (K.C.) parentage. It was that counsel's duty as a junior to call a witness of the name of Pickwick. On the day on which the action was on the list, Mr Dickens was unable to attend, and anxious not to lose the pleasure of seeing Dickens examine Pickwick, a well-known Q.C., who dearly loved a laugh, sent up a note to the judge asking him to adjourn the case merely on the ground of Mr Dickens' absence, and Mr Justice Hawkins, who readily entered into the spirit of the request, immediately granted it. At last Mr Dickens was able to appear in court, the case was opened and he called Mr Pickwick. Everyone present was delighted with the coincidence. "I do not know, gentlemen," said Mr Dickens, addressing the jury, "whether Mr Pickwick will appear in his gaiters." When the eagerly looked for witness stepped into the box, it was generally declared that he was about the thinnest man ever seen in the courts.

A NERVOUS young barrister is said to have once made a funny transposition of words when he remarked at the conclusion of his speech: "I perceive I am addressing a beery wench—I beg your lordship's pardon, I meant to say weary bench."

THE following curious affidavit was filed in the Court of Common Pleas, Dublin, in 1822 :— "And this deponent further saith that on arriving at the house of the said defendant, situate in the county of Galway aforesaid, for the purpose of personally serving him with the said writ, he, the said deponent, knocked three several times at the outer, commonly called the hall door, but could not obtain admittance; whereupon this deponent was proceeding to knock the fourth time, when a man to this deponent unknown, holding in his hands a musket or blunderbuss, loaded with balls or slugs, as this deponent has since heard, and verily believes, appeared at one of the upper windows of the said house, and, presenting said musket or blunderbuss at this deponent, threatened 'that if said deponent did not instantly retire, he would send his (the deponent's) soul to hell,' *which this deponent verily believes he would have done*, had not this deponent precipitately escaped."

A DEVONSHIRE jury, having found a man guilty of stealing hay, added the following rider to their verdict :—"We don't think the prisoner done it, but there's been a lot taken hereabouts by someone!"

WITNESSES frequently make strange statements and prompt retorts, much to the amusement of those in court. On one occasion a Jew, speaking of a young man as his son-in-law, was accused of misleading the court, as the young man was

really his son. He, however, persisted that the name he put to the relationship was the right one, and, addressing the Bench, said: "I was in Amsterdam two years and three-quarters; when I come home I finds this lad. Now the law obliges me to maintain him, and consequently he is my son-in-law." "Well," said Lord Mansfield, "that is the best definition of a son-in-law I ever heard."

COUNSEL'S perseverance is not always successful in eliciting the desired answer. "Was there anything in the glass?" asked a counsel of a somewhat reluctant witness. "Well, there was something in it," he replied. "Ah! I thought we should get at it in time," observed counsel. "Now, my good fellow, tell us what that 'something' was?" The good fellow took time to think over it; at last he drawled out: "*It were a spoon!*"

SOME years ago a solicitor delivered papers to a certain well-known junior who has since risen to a position of importance in the legal world where his clerk accompanies him. The pleadings were to be delivered in vacation, and the clerk, probably observing that the case would be a profitable one for Assizes, informed the solicitor that although his principal was away, he could get him to settle the defence quite quickly. The papers were returned in due course, the defence was delivered, and the action proceeded to the delivery of briefs. It was then found impossible for the pleader to attend the trial,

and the brief was accordingly handed to Mr E. N. Bullen.

His attention became focused upon the pleas raised in the defence, and he found it impossible to believe that the pleadings had been settled by the counsel whose name they bore. Further inquiry elicited the interesting and somewhat startling fact that the clerk had settled the pleadings himself and artistically imitated his principal's signature!

LORD CHIEF JUSTICE COLERIDGE used to give an amusing account of a dinner given in his honour in Chicago by a once famous lawyer of that city. At the outset of the dinner there was an awkward pause, by reason of the viands having been seized by a sheriff's officer put in by a creditor of the host—a pause rendered more unpleasant by uncertainty on the part of the Lord Chief Justice as to whether under the law of Illinois the guests as well as the viands might not be taken in execution!

MR JUSTICE CAVE, on the Bench, was no respecter of persons. Once a barrister, noted for his persistence, provoked the remark: "I can give you law, but I cannot give you manners, sir." "That is so, my lord," was the cool rejoinder.

MR JUSTICE CHANNELL once gave the following reason for his promotion to the Bench. He said: "In the year I was appointed there were a great many vacancies on the Bench—no

fewer than five. The first vacancies were of course filled up in the usual way by gentlemen who had distinguished themselves more or less in Parliament. As it was not thought right to go on doing that, to the extent of five, they turned round to look for someone unconnected with politics, and I was fortunately selected on that ground."

A CURIOUS incident once occurred in Mr Justice Kay's court. Certain creditors brought proceedings against a trustee appointed under the bankruptcy of a barrister well known in the provinces. The trustee was represented in court by the bankrupt himself, who would of course be entitled to the payment of his fees out of the estate which really belonged to the creditors. The jauntiness with which the bankrupt barrister sprang up when he heard his own name called out by the registrar showed that he was not wanting in humour, even though he had been lamentably lacking in economy.

MR JUSTICE DARLING, in the course of his summing up of a case brought by a schoolboy against the Hendon Rural District Council for negligence at the Hendon Isolation Hospital, said: "It is not the mere spending of money that makes one happy. One might be quite as happy with little money in the navy as one could be with a lot of money at the Bar. There may be nothing in the world now open to the boy, but to become a King's Counsel—or worse, a Judge."

THE Court of Appeal is not usually considered the most promising place wherein to find amusement, but the following incident provided a welcome break in an otherwise dull morning's proceedings. *Ex parte* applications were being heard, and in his turn Mr Stephen ("Pat") Lynch asked for leave to appeal from an order of Mr Justice Ridley, made in Chambers. Asked the ground for his application, the learned and jocular counsel observed: "My lords, I was odd man out." Visions of "pitch and toss" flashed across the minds of those in court, in the midst of which the president of the court sharply inquired the meaning of the remark. "When I asked the learned judge for leave to appeal," artlessly replied Pat Lynch, "he said he had already granted leave to appeal six times that morning, and he'd be hanged if he would grant another single one." The novel ground for the application secured its success!

AT the trial of an Interpleader issue at Gloucester Assizes before Mr Justice Day, Mr Gwynne James (now a county court judge), in the course of his argument, had occasion to read a long and complicated order which had been made in Chambers. After listening to this with his inimitable air of bewilderment, the judge asked: "Who on earth made such a ridiculous order as that? It seems sheer nonsense to me!" Mr Gwynne James replied: "I have no instructions, my lord, as to who *made* the order, but I notice your lordship's name at

the head of it." No one laughed more heartily at this sally than the judge himself.

WHEN the bicycling craze was at its height, the attendants at the Law Courts whose turn it was to do Sunday duty used to pass the time away by having bicycle races in the central hall. However, it was thought desirable to discontinue them, as a side-slip or any wobbling resulted in a very distinct bump on the mosaic floor which proved much harder than the average roadway!

A VERY clever instance of getting out just as much as you want and no more was seen in a case of breach of promise, where Mr Marshall Hall, K.C., appeared for the plaintiff, who was the daughter of highly respectable people. No claim for seduction was made, although there was ground for it, but the parents begged that the girl's disgrace might not be made public. The case was coming before Mr Justice Mathew and a special jury, and in consultation with Mr Marshall Hall the previous afternoon, the plaintiff's solicitor explained the situation to him and pointed out that the letters passing between the parties were full of references to the misconduct, and the taking of drugs in consequence. After a few moments' reflection, Marshall Hall told the solicitor *not* to have a bundle of correspondence ready for the judge in the morning. This was a somewhat startling suggestion, as Mr Justice Mathew was one of the first judges to impress upon solicitors the necessity of having a bundle of correspondence

ready for the court, instead of handing up original—and frequently badly written—letters separately. The case was duly called on, and Marshall Hall, having opened, proceeded to call the plaintiff. At this stage the judge announced that he required a bundle of correspondence. Had the plaintiff's solicitors made one? Counsel leaned over to the solicitor instructing him and purported to whisper something, then raised his head and said that he regretted no copy was ready for his lordship, but he would take the essential letters from his own bundle and hand them up while he referred to the originals in the course of his examination. Such a course, he explained, would really save the time of the court by rendering it unnecessary to turn over a number of immaterial letters. The judge, with an attempted grumble, acquiesced in this, and the result was that only about half-a-dozen letters were read in court, and the satisfactory verdict of £400 damages returned.

DURING one Long Vacation a solicitor's clerk had to apply *ex parte* to Mr Justice Byrne; as the matter was urgent he had to go to the judge's residence which was then just outside Weybridge. The name of the house seemed to be unknown to those of whom he inquired at the station, but after walking some distance he found a likely looking inhabitant, and put the question again. Much to his bewilderment he received as answer, "Yes, go right across America, and you'll see it in front of you," and turned away before any further question could be asked. Believing that it might be a

holiday for the inmates of the local asylum, the clerk was cautious not to make rash inquiries of any stray passer-by, but as it became dusk he ventured to ask an apparently sane pedestrian in which direction the judge's house was. He received precisely the same answer, but his silent astonishment must have aroused sympathy, as a kindly explanation was vouchsafed that "America" was the local name for a certain small plantation!

WHEN Sir Charles Russell was M.P. for Hackney he had to run the usual gauntlet of requests for subscriptions to local societies. On one occasion the secretary of a newly formed football club of schoolboys approached him for a subscription, and received half-a-guinea. The result of this correspondence was unusual and far-reaching. The mother of the juvenile secretary, having been deserted by her husband some time previously, wrote to Sir Charles, intimating that as he was so kind as to send half-a-guinea to a boys' club, she thought he might possibly be inclined to obtain a divorce for her, so would he please forward it to her in the course of the next few days in the enclosed stamped envelope. Unfortunately one is unable to report the precise immediate effect of the receipt of this epistle on the recipient, but at any rate Sir Charles sent for the woman, and after hearing her story promised to provide solicitor and counsel to commence proceedings on her behalf, and duly fulfilled that promise, bearing the cost himself. By some means or other the husband got to hear a distorted version of this,

and upon a never-to-be-forgotten occasion of an application in Chambers, asked the registrar for leave *to join Sir Charles Russell as a co-respondent*! As Sir Charles was then at the zenith of his career, and the litigating parties were of the humblest class, the astonishment of the registrar can be imagined. An explanation was volunteered by the petitioner's solicitor, to the immense relief and subsequent amusement of the registrar, and the application accordingly—and naturally—failed.

Another little incident in this same case was when application was made to confirm the registrar's report for permanent maintenance. In the usual course this was done in open court, whereupon the husband rose in the body of the court and informed the judge—the dignified Sir Francis Jeune—that he was a disgrace to the Bench, and would be reported to the Home Secretary and to the Lord Chancellor!

IN a case in which a lady was concerned there was some reference to a mine which was styled "Moaning Flat." "It sounds more like the name of some place below," said Lord Esher. "It ill becomes a white-haired old man like you, my lord, to be profane," replied the lady. Lord Esher only smiled.

A SHORT time before he retired, Lord Esher told a well-known lady litigant that her case had been sent to be tried by a certain learned judge, without a jury, adding: "He is a capital lawyer, you know, and will try your case very nicely." How-

ever, the lady demurred, and, pressing her case for a jury, said: "Oh yes, my lord, Mr Justice —— is all very well as to law, but, my lord—and in this respect I am also in a difficulty in your lordship's court—my case requires so much *common-sense*." Lord Esher was so delighted with this that he persuaded the court to dismiss the lady's application, without costs.

MR JUSTICE MATHEW and Mr Justice Day, being on circuit together, a high sheriff sent the latter, who was famous for his long sentences and his love of good wine, various bottles of Port from his cellar. He subsequently asked Mr Justice Mathew whether Mr Justice Day liked the wine. "As was to be expected," said Mathew; "he tried them all patiently and punished them severely."

WHEN SIR CHARLES RUSSELL'S labours at the Parnell Commission were concluded he paid a great compliment to his juniors. "I suppose," said Asquith, who was one of them, "that is what is called 'giving the devil his due.'"

SIR FRANK LOCKWOOD, as is well known, defended Charles Peace, the murderer, at the request of Mr Justice Lopes, who tried the case. Not long after the trial Lockwood was congratulated on his defence of "Peace with Honour." He accepted the compliment, but added that it was not "Peace at any price," for his pleading had been unfee'd!

MR JUSTICE STEPHEN only once sought the suffrages of a constituency. He stood for Dundee and was beaten. He had a supreme contempt for the ordinary voter's political opinions. He is said to have told a voter who interrogated him as to the Disestablishment of the Church in Scotland, that he did not then know anything about it, but that by that time to-morrow morning he would know much more than this interrogator.

THE following extract from the opening of a judgment in "Barrow *v.* Barrow" is a good specimen of Lord Justice Knight-Bruce's wit, humour, and felicity of expression :—"These and two other suits are the fruits of an alliance between a solicitor and a widow, who for the first sixty days of their married life—namely, from the 31st of July to the 28th of September 1850—lived, as well as quarrelled, together, but at the end of that period parted, exchanging a state of conflict which, though continual, was merely domestic, for the more conspicuous, more disciplined, and more effectual warfare of Lincoln's Inn and Doctor's Commons."

A GOOD story is told of Lord Halsbury when as Hardinge Giffard he was leader of the Welsh Circuit. He was appearing for some public body, and was devoting himself to the interests of his clients with even more than his accustomed energy. The presiding judge noticed this, and remarked on it, observing : "You are not a Welshman, you know." "That is so," assented Hardinge

Giffard, "but," he added, "I have had a good deal out of Welshmen in my time." "Oh, I see," replied the judge; "you are a Welshman by extraction!"

ONE of the best stories of Baron Channell is told of him in the days before his elevation to the Bench, when he was Serjeant Channell. He was a little shy of his *h's*, and one day, before Mr Justice Cresswell, a ship case was being tried, Serjeant Channell appearing for one side, and Sir Frederick Thesiger for the other. Every time the former mentioned the vessel he called it the *Ellen*; every time Thesiger mentioned her, he called her the *Helen*. At last the judge with quaint gravity said: "Stop! What was the name of the ship? I have it on my notes the *Helen*, and the *Ellen*. Which is it?" The Bar grinned. "Oh! my lord," said Thesiger in his blandest manner, "the ship was christened the *Helen*, but she lost her *H* in the chops of the Channell."

MR JUSTICE BYLES, when at the Bar, once received a smart retort from a witness he was cross-examining. He was defending an important action and asked the judge to exclude from the court all the witnesses for the plaintiff except the one in the box. Observing that the plaintiff's solicitor, whose name was Fry, was moving in and out of court, and suspecting him of posting the witnesses, he began his cross-examination of one of them as follows:—"Well, my man, I suppose you

have been well Fryed outside?" To which the witness quickly replied: "No, sir! and I don't intend to be Byled inside either!"

WHEN Mr Justice William O'Brien, who succeeded Mr Justice Fitzgerald, ascended the Bench, he astonished and amused the Bar by appearing in well-worn judicial robes. He was chaffed by his friends on buying Lord Fitzgerald's robes second-hand. He made some gruff reply which increased the ardour of his tormentors. Years afterwards it transpired that he had inquired the price of a set of judicial robes, and had paid Lord Fitzgerald's crier for his master's cast-off robes the full price of the most expensive set of new judicial robes.

THE most extraordinary attire in which a judicial personage ever appeared on the Bench was perhaps the attire of Lord Norbury, who was Chief Justice of the Irish Court of Common Pleas from 1800-1827, when he appeared at the Assizes at Carlow in a masquerade dress. It appears that Lady Castlereagh had some time previously given a very splendid masquerade, at which the Chief Justice was present in the dress and character of Hawthorne in *Love in a Village*. The dress was a green tabbinet with mother-of-pearl buttons, striped yellow and black waistcoat, and buff breeches, and was altogether cool and light. On going the next circuit, the weather being excessively sultry, and the Chief Justice having a great number of sentences to pass on rebels, etc., at Carlow, he put on under his robes

the lightest clothes in his wardrobe—which happened to be this costume. Unfortunately, feeling the heat insufferable, which the twisting of his wig sideways did not relieve, he involuntarily first turned up the sleeves of his robe, then loosened the belt round his waist. The robe, being now free from all restraint, stole away from the green jacket, and thus the unconscious Chief Justice "stood confessed" to the whole court as the representative of a very different character from that of judge!

A PHYSICIAN once called on Serjeant Murphy to consult him about calling out someone who had grossly insulted him. "Take my advice," said Murphy, "and instead of calling him out, get him to call you in, and have your revenge that way; it will be much more secure and very much more certain."

BARRISTERS' bags are either red or dark blue, and the actual existing use of them is minutely regulated by that unwritten law of etiquette which no lawyer can transgress with impunity. *Red* bags are, strictly speaking, reserved for King's Counsel; but a stuff-gownsman may carry one if presented therewith by a "silk." It is an imperative rule that only *red* bags may be taken into court; *blue* bags are not to be carried farther than the robing-room.

LORD JUSTICE BLACKBURN was a very impressive judge, impatient of ignorance, and possessed of a strong dictatorial manner. His mother (says Mr Plowden in his "Grain or Chaff")

was a very clever old lady, from whom he probably inherited much of his own strength of character. It is said that the old lady, having quarrelled with one of her tradesmen, consulted her son as to a legal remedy. He strongly advised her on no account to go to law, but the old lady, not relishing such peaceful advice, took the tradesman into the county court, and achieved a great victory. In broad Scotch she gave her distinguished son plainly to understand that she didn't think much of his law, and was much surprised that he should have so great a reputation.

A WITNESS, being told by a judge that he must repeat the actual words he heard the prisoner's wife use, said: "The prisoner's wife stood at the bottom of the stairs and called out, 'Tom, Tom,' *or words to that effect*!"

H. T. COLE, one of the leaders of the Western Circuit in the days of Lopes (afterwards Lord Justice), had not the benefit of a classical education. On one occasion he had to explain to a jury how parasites known as "flukes" are developed in the livers of sheep. There were audible shudders in court when the junior Bar heard the "*ovums* of these little creatures" referred to. "I hear my young friends laughing at me," said Cole, dimly conscious of something wrong; "they have been at school since I have—but of course I know that, strictly speaking, *ovums* should be *ovæ*."

A STORY is told of three members of the Bar, dining together on circuit, who discussed whether they would drink red or white wine. Two decided on red, one on white. The latter, not liking it, changed it for red, which having drunk, he remarked: "As altered in *red*, I approve the draught."

LORD GARDENSTONE—a Lord Justiciary of Scotland—had a predilection for pigs. One in its juvenile years took a particular fancy for his lordship, and followed him wherever he went, reposing in the same bed. When it grew older and to a large size, this was, of course, inconvenient. However, the judge, unwilling to part with his friend, continued to let it sleep at least in the same room, and when he undressed, laid his clothes upon the floor as a bed for it. He said he liked it, for it kept his clothes warm till the morning.

SIR RICHARD BETHELL was ready at repartee. At a meeting of his constituents at Aylesbury, he was defending the consistency of his political conduct with legal astuteness, when an old fox-hunting squire shouted in a stentorian voice from the farther end of the room: "Speak up." "I should have thought," replied Bethell in his quiet tone, "that the honourable gentleman's ears were long enough to catch my articulate utterances, even at that distance."

LORD WATSON delighted in telling a story of a Scotch judge not distinguished for mental capacity, who one day in a fit of irritation told a counsel that what he was saying was going into one ear and out at the other. "And what is there to prevent it?" was the quiet reply.

SIR HORACE DAVEY was one day arguing at length that a resolution of a Board of Directors of a certain company was valid although only one director and the secretary were present when it was passed, because the Articles of the Company did not contain any provision for a quorum. At length he was pulled up by Jessel asking him three very simple questions: "I suppose, Mr Davey, you will admit that there must have been a 'meeting' of the Board?" "Certainly, my lord." "And you contend that, in the absence of any provision for a quorum, one director was sufficient?" "That is my contention, my lord." "Then you ask me to hold that *a man can meet*!" Mr Davey, as he then was, resumed his seat.

A KNOWLEDGE of the world was not one of Mr Justice North's most striking attainments. On one occasion, when he was trying a case of assault upon a policeman, he innocently pointed out to the jury that the complainant and the accused must have been the closest friends, accustomed to address each other by their Christian names, because on the night before the assault it was quite certain that the prisoner had said as he passed the policeman: "Good-night, Robert!"

A GOOD story is told of Baron Graham. A certain baronet was in the habit of inviting the judges on the Western Circuit to dinner. On one occasion he was plaintiff in a case which was coming on for trial. However, he sent the customary invitation, and Baron Graham, scorning to let it be supposed that he could be influenced by a dinner, accepted the invitation. But the defendant, a neighbouring squire, grew alarmed, and, by way of balancing matters, *invited the whole of the special jury* who were summoned to try the case to dine with him. Thereupon the baronet's courage failed him, and he withdrew the record.

VISITORS to the Law Courts are frequently puzzled by the change of robes observable in the judges. One day they are attired in black, another in violet, and another in scarlet. As with the garments of the priests officiating in the Roman Catholic Church, so in the courts certain fixed rules are followed. Judges of the Court of King's Bench wear black or violet robes in term-time, which are faced with taffeta from Ascension Day to St Simon and Jude, and from that day to Ascension Day with miniver. On all holidays, scarlet-faced; scarlet at church, or when they go to a feast, and when they go circuit.

The scarlet robes worn in Easter Term and in Trinity Term are trimmed with silk. Those worn in Michaelmas Term, with ermine.

At the Old Bailey, after Michaelmas and Hilary Term—viz. November, December, January, February,

March and April—the judge wears a black robe trimmed with ermine, and silk scarf and tippet. After Easter and Trinity Term—viz. May, June, July, August, September and October—he wears his purple robes, silk scarf and tippet. On red-letter days—*i.e.* saints' days—he wears his scarlet robes, from November to April (inclusive), trimmed with ermine, and from May to October (inclusive), trimmed with silk.

SIR CHARLES WETHERALL, a former recorder of Bristol, was very negligent in his attire. It is told of him that during the riots in that city he made his escape from the fury of the mob in the disguise of *a clean shirt and a pair of braces*!

LORD KAMES was of a parsimonious disposition; more especially so when he travelled and feasted at the public expense, and there was a possibility of saving something for himself out of the sum regularly allotted in Scotland to judges when on circuit. On the rising of the court one day, Lord Kames invited Henry Erskine with several other young barristers to dine with him. When the cloth was drawn, the guests found that Port alone was to be the order of the day. Hint after hint was given to his lordship that, since the public were to pay, something better might be afforded. Lord Kames, however, passed over unnoticed every allusion of the kind, and when at last the war oblique seemed verging towards a more direct order of hostilities, he turned towards Erskine and, with the

view of changing the subject, asked him very gravely what could have become of the Dutch—who had a short time before been beaten off the Dogger Bank by Admiral Parker. The question was an unfortunate one for his lordship. Erskine with a smile replied: "I suppose, my lord, they are like us, *confined to port.*"

WHEN Hone was tried before Lord Tenterden for blasphemy, the judge treated him with great forbearance; but Hone, not content with the indulgence shown him, took to vilifying the judge. "Even in a Turkish court I should not have met with the treatment I have done here!" he exclaimed. "Certainly," replied Lord Tenterden; "the bowstring would have been round your neck an hour ago."

SIR CRESSWELL CRESSWELL once appealed to Lord Justice Mellish that he might be addressed "as a vertebrate animal, and with as much respect as heaven might be supposed to show towards a black-beetle."

MR JUSTICE PARK was always a great stickler for what he called "forensic propriety," and he frequently caused amusement by his well-meant but punctilious and trifling animadversions. At Chelmsford Assizes the under-sheriff thought fit to indulge in a buff-coloured waistcoat. His lordship eyed him for some time with an angry scowl. At length he could not abstain from main-

taining "forensic propriety." "Really, sir," said he, "I must beg of you to take off that straw-coloured waistcoat. I cannot sit here, sir, and behold that waistcoat any longer."

UPON one occasion a prosecutor who had a moustache appeared before Mr Justice Park to give evidence. "What are you, sir?" asked the judge. "A schoolmaster, my lord," was the reply. "A schoolmaster, sir! How dare you come before me with those hairy appendages! Stand down, sir! I shall not allow your expenses."

AT the Winchester Assizes on one occasion Sir Frederick Williams was stopped on the very threshold of his speech to the jury by Mr Justice Park, who said: "Brother Williams, I must maintain the 'forensic dignity' of the Bar." The advocate looked unutterable things at his lordship, and said: "I do not understand you, my lord." "Oh yes, you do!" said the judge. "You have a most extraordinary wig on; a very extraordinary wig indeed: really I can't permit it. You must change your wig. Such a wig as that is no part of the costume of this Bar."

FOR years it is said Lord Norbury's judgments were a perfect scandal through age and partiality, and in 1827, having fallen asleep during a murder trial—he was then eighty-six—the Lord-Lieutenant wrote hinting at his resignation. On receipt of the letter, the judge flew into a passion,

and threatened the official who brought it with a challenge to fight : " The Castle hack he sends me," he said, " shall be his proxy. I'll have his life or mine."

THE Parnell Commission was productive of many amusing encounters between Sir Richard Webster (now Lord Alverstone) and some of the Irish witnesses, who frequently endeavoured to avoid giving the answer desired. To one witness Sir Richard said : " Stand up, sir. Are you tired ? " " I am that—*av talkin' to you,*" was the ready reply.

ANOTHER such witness was asked by Sir Richard how many children he had. " Only six," he replied. " Is that a long family ? " " There's a longer," replied the witness. " Any of them earning money ? " " One's married," said the witness. " What does he earn ? " " I've tould yer *he's married,*" was the witness's significant reply.

WHEN the first balloon appeared in 1784 a jury were considering the fate of a criminal, but so impatient were they to see the wonderful spectacle that they ignored the judge's summing up and acquitted the prisoner as the quickest way of getting out to the open air.

LORD JUSTICE PHILLIMORE on one occasion severely admonished a witness who was punctuating his replies to counsel by banging the Testament on the ledge provided in the witness-box.

His lordship informed the witness that the book he was handling with so little respect was sacred, and immediately gave instructions to the usher to remove it out of the reach of the man.

MR JUSTICE BUCKNILL has pleaded guilty to being "a born poacher." He tells a story relating how, when he was once shooting in North Wales with a member of the Chancery Bar, he took off his coat and vest and showed his friend how to "tickle" trout in a wayside stream. His movements were watched by a local youth who accompanied him on the shoot. The following year, when visiting the neighbourhood, the judge was told the boy was in prison. His informant added: "He saw you 'tickle' trout last year. He has been doing it himself since, and they caught him."

ERSKINE in his old and less prosperous days was wont to think regretfully of the very brief period he had occupied the lucrative office of Lord Chancellor. Captain Parry, being asked at a dinner-party what he and his crew had lived upon in the Polar regions, replied: "We lived upon seals." "And very good living too," said Erskine, "*if you keep them long enough*!"

THE Irish practitioner laboured under many difficulties before the days of the telegraph and steamboat. He was, it appears, dependent for his authorities mainly upon the courts in London, and

owing to the difficulties in connection with locomotion, he never knew where he was. Thus it used to be said that the accident of a fair wind or foul might affect the decision of a case. "Are you sure, Mr Plunket," Lord Manners asked one day, "are you sure that what you have stated is the law?" "It unquestionably was the law half-an-hour ago, my lord," answered Plunket;—he drew out his watch;—"but I see," he added, "that by this time the packet has probably arrived, so I will not be positive": and there the matter ended until the budget from England had been scanned!

AN amusing story is told of a very successful Irish lawyer who secured the complete exoneration of a man who had been arrested for stealing a pair of trousers and who was told to step out of the dock. The prisoner did not stir. Again he was told to step out, but he did not move. His counsel went over to him and asked: "Why don't you step out? You've been acquitted." "I can't," he replied in a stage whisper; "the owner of the pants is out there, *and I've got 'em on*!"

A CURIOUS incident once happened in a Chinese case in Mr Justice Joyce's court. Among the witnesses was a Mandarin of high rank. Asked whether he was present at certain interviews during a particular period, he replied that he had no recollection of them, adding that at the time mentioned he was going through a hundred days' mourning for his mother. Thereupon the interpreter, who

was thoroughly familiar with Chinese customs, remarked that he was quite sure that the witness would never admit that he remembered these interviews, because it was the etiquette in China not to have the slightest recollection of anything that occurs during the period of mourning.

AN excellent story is told of Lord Chief Justice Coleridge. For the benefit of non-sporting readers, it should be explained that a dog when exhibited is said to be " on the bench " or " benched." At the trial of an action for damages for running over a sheep-dog, a winner of many prizes, counsel for the defendant was anxious to prove that the dog had had its day, and that the damages should be nominal. Unfortunately, Lord Coleridge, who was trying the case, had dropped off to sleep, and the evidence was being wasted. Counsel's one chance was to cause such a laugh in court as would wake the judge ; so, gradually raising his voice, he asked one of the plaintiff's witnesses : " Is it not your experience as an exhibitor that when an old dog has taken his place regularly on the Bench for many years, he gets sleepy and past his work ? " Amid the roars of laughter which ensued, Lord Coleridge woke up with a start, and judgment was eventually given for the defendant.

LORD MORRIS possessed an almost inexhaustible fund of humour, which was not always appreciated in the House of Lords. The following story is told of him when he was at the

Bar, and at all events illustrates his daring as an advocate. On one occasion an irritable judge interrupted him in the middle of a legal argument by saying testily: "I don't understand a single word, sir, of your notice of motion." "Not a single word," said young Morris. "That is very unfortunate, my lord. I must endeavour to explain." He then read over the notice of motion with exaggerated emphasis: "Sir, take notice that on 6th April, or on the first opportunity thereafter, counsel on behalf of the plaintiff will apply to this honourable court for an order that"—and so on. "Now, my lord, to proceed with my explanation. '*Sir*'—that is the monosyllabic mode of address adopted by the solicitor for the plaintiff to the solicitor for the defendant. It is curt, my lord, and indicates that the parties are now at arm's-length; but it is not discourteous, nor does it preclude the possibility of private friendly relations between the solicitors. '*Take notice*'—this, your lordship will observe, is in the nature of a warning. The object is that the solicitor shall be prepared for the application, and above all that he shall have an opportunity to instruct and fee counsel to resist the motion. '*On 6th April*'—that day is now past, my lord, and therefore unavailable for making this motion. '*Or on the first opportunity thereafter*'—that, my lord, is the present occasion. '*Counsel on behalf of the plaintiff*'—that, my lord, is the humble individual who appears before you. '*Will apply to this honourable court*'—that is the learned and courteous judge whom I have the honour to address. '*For*

an order '—that, my lord——" But the judge had heard enough. "Go on with your motion, Mr Morris," he said, joining in the general laughter; "I have learnt my lesson."

IT is not often that a counsel is horsewhipped by a lady whose case he has won, but this actually happened in Ireland in 1817. At the Lent Assizes for the county of Galway the case of "Blake *v.* Wilkins" was tried for breach of promise, the plaintiff being a young gentleman, a lieutenant in the Royal Navy, and the defendant a widow of considerable wealth, advanced in years. Daniel O'Connell and Charles Phillips were counsel for the defendant. O'Connell was unable to state the case for the defendant owing to a painful hoarseness, and he therefore requested Phillips to take his place. If ever counsel succeeded in laughing a case out of court, Phillips did so in this instance, but, departing from all precedent, his shafts of ridicule were aimed at his own client. "How vainglorious," he said, "is the boast of beauty! How misapprehended have been the charms of youth if years and wrinkles can thus despoil their conquests and depopulate the navy of its prowess, and beguile the Bar of its eloquence! How mistaken were all the amatory poets, from Anacreon downwards, who preferred the bloom of the rose and the trill of the nightingale to the saffron hide and dulcet treble of sixty-five!" (Here his client rose and left the court.) "The reign of old women has commenced, and, if Johanna Southcott converts England to her creed, why should not

Ireland, no less pious, kneel before the shrine of Widow Wilkins?" Referring to the plaintiff, Phillips said: "For the gratification of his avarice he was contented to embrace age, disease, infirmity and widowhood; to bind his youthful passions to the carcass for which the grave was opening; to feed by anticipation on the uncold corpse and cheat the worm of its reversionary corruption!" Phillips having resumed his seat, the judge summed up, and the jury found for the defendant. The court then rose, and Phillips, exhausted and exulting at having overthrown his adversary, left the court, but hardly had he emerged into the street when Mrs Wilkins rushed at him and struck him violently with a horsewhip on the face and shoulders. He ran away as best he could, and was soon safe in the Bar room.

AFTER hearing evidence in an assault case between man and wife, in which the wife had had very considerable provocation, the magistrate, turning to the husband, remarked: "My good man, I really cannot do anything in this case." "But she has cut a piece of my ear off, sir," said the man. "Well," said the magistrate, "I will bind her over to keep the peace." "You can't," shouted the husband, "she's thrown it away!"

FEW people perhaps know the origin of the couplet in Sir Walter Scott's writings:

"Yelping terrier, rusty key
Was Walter Scott's first Jeddart fee."

Scott's first client was a burglar. He got him off,

but the man declared that he hadn't a penny to give him for his services. Two bits of useful information he offered, and with these Scott had to be content. The first was that a yelping terrier inside the house was a better protection against thieves than a big dog outside; and the second, that no sort of a lock bothered one of his craft so much as an old rusty one. Hence the couplet.

MR JUSTICE DARLING in his summing up of a libel action brought by Lord Alfred Douglas against Mr Ransome, in regard to a life of Oscar Wilde written by Mr Ransome, said: "Rabelais is a classic. I am bound to say I cannot read a chapter of him without being bored to death. The book on Oscar Wilde related to the life of a very bad man of genius; but are we not to write about him because his moral character was bad? Are we not to read his plays? Are we not to see his plays because his moral character was bad? If that were so, *we should not be allowed to read the Acts of Parliament of Charles II.*!"

IT is told of Mr Justice Hawkins that a heavily marked brief in a compensation case was once delivered at his chambers, and that after six weeks had elapsed, and the hearing of the case was approaching, his clerk wrote to the solicitor suggesting that a cheque for the fee was not only desirable, but was in accordance with the usual practice of the profession. To this the solicitor replied that "if

Mr Hawkins had taken the trouble to open the brief he would have found the cheque inside."

A NEW batch of "silks" were making their bow in a Divisional Court. They were not a distinguished group. "Who are all these men?" asked Mr Justice Mathew of his brother judge. "Some of them are patent lawyers, I think," replied his colleague. "The rest, no doubt, are latent lawyers," said Mathew.

DURING a trial for murder at Bury St Edmunds counsel for the defence closed his speech with a reference to the Day of Judgment. "This," said Mr Justice Wills, "I do not like, for it has a great tendency to disturb that equanimity that ought to be maintained in a court of Justice, and throw people off their balance upon a subject which has nothing to do with the question in hand."

BARON POLLOCK—the "Last of the Barons"—was occasionally guilty of a pun. On one occasion on leaving the College of Surgeons after dining there one evening he discovered that his umbrella was missing. "Only what one would expect," he said: "that even one's umbrella would here be *boned*."

SIR EDWARD CARSON, K.C., was once cross-examining a witness of bibulous tendencies. "Are you a hard drinker, sir?" asked Sir Edward as he looked the man up and down. "That's *my* business," came the answer. Counsel shrugged his

shoulders and put the question: "Have you any other business, sir?"

BARON BRAMWELL'S favourite question, when a medical witness called to support a defence of insanity had deposed that in his opinion the prisoner "could not help acting as he did," was: "Do you think he would have acted as he did if *he had seen a policeman watching him and ready to take him into custody*?"

MR DANCKWERTS, K.C., was once waiting in a Divisional Court of three judges for a case to come on in which he was briefed. Mr Justice Ridley, who was presiding, informed him that one of the judges had to leave, and asked Mr Danckwerts if he objected to his case being heard by two judges only; on which Danckwerts replied: "*Which two*, my lord?"

LORD ALVERSTONE, when Sir Richard Webster, once made an amusing slip when cross-examining a witness in Mr Justice Chitty's court. Handing the witness a small rough bar of iron, he said: "There is a piece of iron *in the flesh*." Mr Justice Chitty smiled, but Sir Richard Webster proceeded innocently to display that knowledge of science which was extensive.

IT is said that Sir George Jessel was never known to admit he was wrong. On one occasion when his attention was called to the fact that the Court of Appeal had overruled his decision, he said: "That

is strange; when I sit with them, they always agree with me." This was generally true, as there were few judges whom the Master of the Rolls could not carry with him.

LORD MACNAGHTEN, as became an Irishman, was extremely witty. In giving judgment in the House of Lords, he once said: "Fraud is infinite in variety; sometimes it is audacious and unblushing; sometimes it pays a sort of homage to virtue, and then it is modest and retiring; it would be honesty itself if it could only afford it."

SIR FRANK LOCKWOOD once after successfully defending a prisoner in a criminal court, who had put forward a very satisfactory alibi, went for a walk in the circuit town, and during his perambulations he met the judge who had presided. Addressing him, the learned judge said: "Well, Lockwood, that was a very good alibi." "Yes, my lord," was the answer. "I had three offered me, and I think I selected the best."

A SCOTCH advocate was arguing before a court in Scotland when one of the judges, not liking his manner, said to him: "It seems to me that you are endeavouring in every way to show your contempt for this court." "On the contrary, my lord," was the quick reply, "I am endeavouring in every way to *conceal* it!"

LORD JUSTICE MATHEW did not suffer fools gladly. He sometimes wounded when he only intended to amuse by his incisive sayings. "You cannot convince a man that he is a fool," he once said, "however well you put it."

A CURIOUS application was once made in Baron Huddleston's court. Mr Kemp, K.C., made the unusual request that a witness to whom he had been putting cross-questions, and receiving crooked answers, might be detained in court during the adjournment for luncheon. "I have only to finish my cross-examination; but the witness," added the counsel significantly, "has to be re-examined, and it would be well if he had no opportunity of communicating with the other witnesses." His lordship at once assented, and the unfortunate witness was informed that he must not leave the court in search of refreshment.

IN a case tried before Baron Dowse, in Ireland, a refractory witness refused to answer a question put by counsel, and said: "If you ax me that question again, I'll give you my shoe on your poll." "Does your lordship hear that language?" said the counsel, appealing to the judge. "The answer to my question is essential to my client's case. What does your lordship advise me to do?" "If you are resolved to repeat the question," said Baron Dowse, "I'd advise you to move a little further from the witness!"

MR JUSTICE DARLING was asked one Derby Day by a juror if he could be excused from attendance as he wished to be present at a wedding. "It is not your own?" asked his lordship. "Oh no, my lord, that of a relative," was the reply. Sir Frederick Low, K.C., one of the counsel in the case, said he thought the excuse was a legitimate one, and it was agreed to allow the juror to go. "It is not near Epsom, this wedding, is it?" asked Mr Justice Darling, amid considerable laughter.

MR JUSTICE BUCKNILL has confessed to having been a short-term prisoner. When a boy he wandered in Bosworth Park and got into the hands of gipsies. He was by way of punishment put into Bosworth Prison for an hour by his grandfather; at the end of that period he wept and was released on "ticket of leave!"

THE doctrine of *autrefois acquit* apparently does not rule in India. At Sitapur recently three natives who had been charged with murder were acquitted, but were rearrested five months later, and without any fresh evidence were convicted and sentenced, two of them to death, and one to imprisonment for life. In another case a prisoner who appealed against a sentence of imprisonment had the sentence altered into one of death—which was carried out.

BY way of contrast, a man found guilty of a cruel murder, tried at the Old Bailey by Mr Justice Avory shortly after his elevation to the Bench, and

sentenced by that judge to death, appealed against his sentence, which was quashed, owing to Mr Justice Avory alluding in his summing up to a document which had not been "put in." The astonished prisoner walked out of the dock a free man!

AN amusing incident once occurred shortly after the appointment of Mr Justice Lawrance—familiarly known amongst lawyers as "Long Lawrance," he being a very tall man—to the Bench. Mr Bottomley was desirous of obtaining an injunction restraining the publication in *The St Stephen's Review* of certain threatened attacks upon the Hansard Union, but, it being vacation-time, it was necessary to send down to the judge's house. Mr Bottomley briefed Mr Stephen Lynch to go down and make the application—with the result that he came back armed with an order which was so worded that it actually prevented the publication *of the whole of the issue of the journal.* There was naturally considerable excitement in the printing office that night when the order was served, and someone got a severe rap over the knuckles when the matter came before the Vacation Court, for the way in which he had taken advantage of the newly appointed judge!

SITTING as referee at an inquiry with respect to the Coal Mines Act of 1911, Lord Mersey—formerly Mr Justice Bigham—remarked that if you want to be quite safe "you mustn't go down a coal mine, mustn't travel in a railway train, mustn't go to sea, and, in fact, you mustn't do anything except sit at home in a chair—although even then the chair

may break." This, after all, is only another way of saying, "You are never safe till you die," and even then there's always the risk of fire!

SIR CHARLES BUTT'S greatest weakness was his jokes, which were sometimes too plentiful for the proper maintenance of the dignity of his court. "Where does the witness say the co-respondent kissed her?" he once asked. "On the railway platform, my lord," replied the barrister, examining the witness. "What a curious place to kiss her," said the judge. "I should have thought he would have kissed her lips."

A STORY is told of Lord Justice Swinfen Eady, that when he received the offer of a judgeship from the Lord Chancellor, he hurried to his wife with the letter, exclaiming: "I've got it, I've got it!" Unfortunately there had been an epidemic of small-pox in the neighbourhood which had much troubled the lady, and her thoughts immediately turned to it. So before the judge received his first congratulation he had to explain that it was his promotion, and not a dangerous microbe, which had come to him.

ON the trial of a cause respecting the right of a copyholder to dispose of some "boulderstones" on the land, Mr Serjeant Wilde, subsequently Lord Chancellor, contended that he would have the same right to do so as he would have to pick up any meteoric stones which fell on his land. "I think he would burn his fingers if he tried it, brother Wilde," observed Baron Alderson with a smile.

AT the Cork Assizes Curran had one day entered upon his case and stated the facts to the jury. He then with his usual impressiveness and pathos appealed to their feelings, and was concluding the whole with this sentence: "Thus, gentlemen, I trust I have made the innocence of that persecuted man as clear to you as"—at that instant the sun, which had hitherto been overclouded, shot its rays into the court-house—"as clear to you," continued he, "as yonder sunbeam which now bursts in among us, and supplies me with this splendid illustration."

MR JUSTICE FLETCHER was a clever but very surly man, and was very proud of his personal appearance. Why, it is difficult to conceive, for he was a hard-featured man, with a red pimply nose, heavy shaggy eyebrows, which overhung a pair of piercing eyes, and when the whole face was surmounted by the judge's wig he presented a most extraordinary appearance. In 1813 he was Crown Judge at the Galway Summer Assizes, and was trying a case of no great importance, when an Irish-speaking witness was called to give evidence. The interpreter was a solicitor, Mr John Kirwan, who spoke Latin with the greatest fluency, and was noted for his witticisms. The witness, looking steadfastly at the judge, exclaimed in Irish: "*Dar mo chianseois, is an fear is granach dha chonnaisch me ariamh.*" A suppressed titter followed this observation. The judge at once requested the interpreter to tell him what the witness had said, but he answered: "Oh,

my lord, I could not tell your lordship." "You must tell, sir," replied the judge. The interpreter still declining, Mr Justice Fletcher sent for two constables. "And now, sir," said the judge, "I am about to commit you to gaol for a month." "Oh!" said Kirwan, "if it goes to that I'll tell it without scruple. He says, my lord——" "Speak slowly," said the judge, "as I must have it on my notes." "He says that 'upon my conscience you are the ugliest man that I ever saw!'" The judge's answer is not recorded.

IT is related of Baron Parke, who was one of the most celebrated special pleaders when at the Bar, that he loved the technicalities of his art with something like a passion. On one occasion he took a special demurrer to the bedside of a learned friend who was seriously ill. "It was so exquisitely drawn," he explained, "that I felt sure it must cheer him to read it."

MR JUSTICE BALL, who was one of the judges of Common Pleas in Ireland, had a peculiarity of his own, which was that he constantly misunderstood what was said by witnesses examined before him. An amusing instance of this occurred in a case tried before him in the North of Ireland, where "mill" is often pronounced "mull." The point at issue was whether the mill had been burned accidentally or maliciously. Dowse (afterwards Mr Baron Dowse), as counsel for the miller, was trying to show that it had been burned maliciously, and that

the contention of the opposite side that it was an accident caused by the machinery becoming overheated was untenable. He asked the witness whether he had happened to feel the gudgeons (part of the machinery) before he left the place. "I did, sir," replied the witness. "In what state were they?" asked Dowse. "Perfectly cool." The Judge: "I want to understand, Mr Dowse, what 'gudgeons' are?" Dowse: "Little fishes, my lord." Judge: "Then of course they were cool!" Dowse to witness: "In what state were the premises and machinery that evening when you left?" Witness: "All the machinery was perfectly right and cool, and the whole mull was as right as a trivet." Judge: "Stop a moment: this is the first time I have heard of a mull. What is a 'mull,' Mr Dowse?" Out came Dowse's sharp reply: "*What you are making of this case, my lord!*"

AN English judge on a Welsh Circuit once fined a grand-juror present in court, for not answering to the name of Hug Pug of Rug (as called from the roll by the clerk of Assize, and guilty of the incognito of Hugh Pugh of Rugh)!

CURRAN was at times very impertinent to the Bench, if he thought himself reflected on, or interfered with in any way. Arguing a point of law one day before Judge Henn, his lordship contemptuously asked: "Curran, where did you study your law?" To which Curran instantly replied: "My lord, I did not study my law sitting on a hen-roost."

LORD HERMAND—a Scotch judge—once interrupted the Rev. Dr Brown's circuit prayer. The reverend gentleman was standing as usual beside his lordship, praying away loud and long, as if there were nothing else to do but to hear him perform, when the judge gave him a jog with his elbow, and whispered with his ordinary birr : " We've a great deal of business, sir ! "

LORD MORRIS, when trying some Irish Members of Parliament for their connection with the Land League conspiracy, quoted from a newspaper which described the defendants as " Heaven-born Members of Parliament." In addressing the jury, Lord Morris said : " All I can say, gentlemen of the jury, is that we can but hope that the next time Heaven is in the family way she will produce a very different article."

CHIEF BARON WOULFE was once asked why a particular person, never noted for gallantry, had now provided himself with two mistresses. " I suppose," said he, " that he may be able at all times to excuse his absence from both by pretending to each of them that he is with the other."

BARON MONCKTON, of the Exchequer Court in Ireland, was said to understand *black* letter and *red* wine better than any who had preceded him in that position. After luncheon he frequently described the segment of a circle in making his way to the Bench.

SOME long time ago a suitor in the Court of Exchequer in Ireland, complained in person to the Chief Baron that he was quite *ruinated* and could go on no further! "Then," said Lord Yelverton, "you had better leave the matter to be decided by reference." "To be sure I will, my lord," said the plaintiff. "I've been at law for thirteen years and can't get on at all! I'm willing, please your lordship, to leave it all either to one *honest man*, or two *attorneys*, whichever your lordship pleases." "You'd better toss up for that," said Lord Yelverton, laughing. Two attorneys were, however, appointed, and in less than a year reported that "they could not agree." Both parties then declared they would leave the matter to a very honest farmer—a neighbour of theirs. They did so, and in about a *week* came hand-in-hand to the court, thanked his lordship, and told him their neighbour had settled the whole affair square and straight to their entire satisfaction.

NORCOTT, a well-known member of the Irish Bar, was a great mimic. Once, in a company where Lord Chief Baron Avonmore was a guest, Norcott was called on to show his imitative powers. He did so with great effect, taking off particularly well the peculiarities of the judges. When he had finished, Lord Avonmore said with point but good humour: "Upon my word, Norcott, as you so ably exposed the absurdities of *eleven* of the judges, I think you did not act fairly by us in not giving also the *twelfth* of them" (Lord Avonmore himself). Norcott did not utter a word more during the evening.

LORD ELLENBOROUGH was a great bon-vivant. Finding that his brother, the Bishop of Chester, was about to give a grand dinner-party, he sent him a turtle and a cook, saying that he knew his brother too well to suppose he had anybody in the palace competent to dress a turtle—he therefore had sent a proper person to perform the operation.

LORD ELDON, in allusion to Lord Stowell's love of good things, which induced him to dine in the Temple Hall at two o'clock by way of an appetiser for a five-o'clock dinner in the West End, would say: "My brother takes regular exercise twice a day—*in eating.*" But Lord Stowell had his revenge by saying good-humouredly: "My brother will drink any *given* quantity of wine"; and on being asked what the Chancellor killed when he went out shooting at Encombe, Stowell replied: "He kills—*time.*"

THE story told in the following old English ballad is strictly true in every particular, Lord Denman, one of the judges of Assize for the Norfolk Circuit, and the celebrated Dr Whewell, the Master of Trinity College, Cambridge, being the chief characters in the little drama. The Master's lodge at Trinity has been, since Henry VIII.'s time, the home of the judges when at the Cambridge Assizes. Lord Denman on this celebrated occasion thought that he had a right to return from court to his lodgings through the back or front gate of Trinity, as he might

think proper, and took it into his head to choose the former. Dr Whewell, the greatest man in the world within the precincts of his own domain, issued his orders that the judges were to enter by the first gate; and in order that his mandate should not be misunderstood, he went himself and saw that the porter secured the back gate. Lord Denman, however, made his way in by mere force of will. The porters, Watts and Moonshine, were living entities, and Green was High Sheriff of Cambridgeshire at the time:

The stout Master of Trinitee
A vow to God did make,
The Judge or Sheriff, through his front door
Their way from Court should take.

And syne he hath closed his big, big book,
And syne laid down his pen,
And dour and grimly was his look
As he called his serving-men—

"Come hither, come hither, my porter Watts!
Come hither, Moonshine, to me!
If he be judge in the Justice Hall
I'll be judge in Trinitee.

"And Sheriff Green is a lordly man
In his coat of the velvet fine;
But he'll rue the day that he took his way
Through back gate of mine!

"Now bolt and bar, my flunkies true,
Good need is ours, I ween,
By the trumpet so clear, the judge is near,
And eke bold Sheriff Green."

Oh, a proud, proud man was the Master to see,
With his serving-men behind,
As he strode down the stair with his nose in the air,
Like a pig that scents the wind.

And they have barred the bigger gate,
And they have barred the small,
And soon they espy the sheriff's coach,
And the sheriff so comely and tall.

And the sheriff straight has knocked at the gate
And tirled at the pein ;
" Now open, open thou proud porter,
And let my lord judge in ! "

" Nay, Sheriff Green," quoth the proud porter,
" For this thing may not be ;
The Judge is lord in the Justice Hall,
But the Master in Trinitee."

Then the Master smiled on Porter Watts
And gave him a silver joe ;
And as he came there with his nose in the air
So back to the lodge did go.

Then out spoke the grave Lord Justice : " Ho !
Sheriff Green, what aileth thee ?
Bid the trumpets blow, that the folk may know
And the gate be opened free."

But a troubled man was the Sheriff Green
And he sweated as he did stand ;
And in silken stock, each knee did knock,
And the white wand shook in his hand.

Then black grew the brow of the Judge, I trow,
And his voice was stern to hear,
As he almost swore at Sheriff Green,
Who wrung his hands in fear.

" Now out and alas, my lord high judge,
That I this day should see !
When I did knock from behind the lock
The porter thus answered me :
' That thou wert lord in the Justice Hall
But the Master in Trinitee.'

" And the Master hath bid them bar the gate,
'Gainst kaiser or 'gainst king."
" Now, by my wig ! " quoth the Judge in wrath,
" Such answer is not the thing.

"Break down the gate and tell the knave
That would stop my way so free
That the wood of his skull is as thick to the full
As the wood of the gate may be!"

That voice so clear when the porter did hear,
He trembled exceedingly;
Then soon and straight he flung open the gate,
And the Judge and his train rode by!

A BARRISTER entered one of the four courts with his wig placed on his head in a very affected and whimsical manner, which soon attracted attention, and caused much laughter. Seeing Curran, among others, smiling, he, in the most dignified manner, turned upon him, and requested to know whether he saw anything in his wig that moved his laughter. "No, my dear sir, nothing," replied Curran, "*nothing but your head.*"

LORD KENYON studied economy even in the hatchment put over his house in Lincoln's Inn Fields. After his death, the motto certainly was found to be "*Mors janua vita*," this being supposed to be the mistake of the painter. But when it was mentioned to Lord Ellenborough, "Mistake," exclaimed his lordship, "it's no mistake. The considerate testator left particular directions in his will that the estate should not be burdened with the expense of *a diphthong*."

THE registrar of one of the Irish criminal courts once complained to Lord Norbury that the witnesses were in the habit of stealing the Testament after they had been sworn upon it. "Never mind,"

said his lordship, "if the rascals read the book it will do them more good than the petty larceny will do them mischief. However, if they are not afraid of the cord, hang your book in chains, and that perhaps, by reminding the fellows of the fate of their fathers and grandfathers, may make them behave themselves." The strange expedient was adopted and the Testament remained afterwards secure.

LORD ESKGROVE on the trial of Mr Fysche Palmer for sedition said one of the few things worthy of being recorded. Mr John Haggart, one of the prisoner's counsel, in defending his client from the charge of disrespect of the king, quoted Burke's statement that kings are naturally lovers of low company. "Then, sir," said Eskgrove, "that says very little for you or your client; for if kings be lovers of low company, low company ought to be lovers of kings."

A DISTRESSING misadventure once befell Lord Chancellor Brougham when he took the Great Seal with him on a round of country-house visits in Scotland. At Rothiemurchus, then the residence of the Dowager Duchess of Bedford, Brougham found a large party of English ladies, with whom he romped so familiarly that, to be revenged on him, they stole the Great Seal, and hid it where neither he nor his attendants could discover it. Brougham got so distressed that the ladies relented, assured him that it was in the drawing-room, and that they would allow him to find it blindfolded,

and guided by the loud or soft notes of the piano. So the Lord Chancellor was blindfolded, and after groping about for some time he ultimately laid his hands on a tea-caddy in which the precious Seal reposed. Exaggerated reports of the incident reached the ears of King William, who was not at all pleased with the Chancellor's pranks.

WHEN Lord Thurlow was Chancellor and lived at 45 Great Ormond Street, Queen Square, the Great Seal was stolen from his house the day before the dissolution of Parliament. The thieves got in by scaling the garden wall and forcing two iron bars out of the kitchen window. They then made their way to the Chancellor's study, broke open the drawers of his writing-table, ransacked the room, and carried away the Great Seal, rejecting the pouch as of little value and the mace as too unwieldy. The thieves were discovered, but the Seal, being of silver, was put into the melting-pot; and patents and important public documents were delayed until a new seal was made.

THE coif cap is still worn by judges when they pass sentence of death, and is generally known as "the black cap." In old time the judge, on making ready to pronounce the death sentence, used to draw up the flat square dark cap that sometimes hung at the nape of his neck or the upper part of his shoulder. Having put it over his wig, he proceeded to pass sentence. The black cap is not assumed for the purpose of striking terror into the

heart of the spectators, but because it is part of the "full dress" of a judge. The origin of it being pulled over the eyes is said to be "in order to hide the emotion of the judge."

RIDING in company with a barrister friend, Lord Norbury, seeing a beautiful woman pass, asked: "Who is that lovely girl?" "Miss Glass," replied his friend. "Glass," repeated the judge. "By the love which man bear to woman, I should often become intoxicated could I press such a glass to my lips."

WHEN on circuit, Erskine was asked by the landlord of the inn at which he had put up how he had slept. "Well," he replied, "union is strength, a fact of which your inmates seem to be unaware, for had the fleas been unanimous last night, they might have pushed me out of bed." "Fleas!" said the landlord in astonishment. "I was not aware that I had a single one in the house." "I don't believe you have," retorted Erskine, "they are all married and have uncommonly large families!"

MR JUSTICE FLETCHER once interrupted Serjeant Goold in an argument he was entering into about the jury deciding on fact. The Serjeant, being very annoyed at the interruption, said: "My lord, Lord Mansfield was remarkable for the patience with which he heard the counsel that addressed him." "He never heard you, Mr Goold," was Fletcher's reply.

LORD ELDIN was remarkable for his naïve expressions. Being reminded of a remark which he had formerly made upon a picture, but which he himself had forgotten, he inquired: "Did I say that?" "Yes," was the reply. "Then if I said that," quoth the self-gratified wit, "it was *deevilish gude.*"

WHEN Lord Monboddo's friends suggested soliciting for him the office of a judge in the Scotch Criminal Court, his lordship said: "No, I have more pleasure in looking after my little farm in the vacation of the Court of Session than I should have in running about the country hanging people."

THE judges of the Court of Session in Scotland, in case of their being unable to attend, always send an excuse to the Lord President. On one occasion, when Lord Stonefield sent an apologetic note, Lord Braxfield asked the President in his broad dialect: "What excuse can a stout fellow like him hae?" "My lord," answered the President, "he has lost his wife." "Lost his wife!" exclaimed Braxfield, whose connubial lot was not a very happy one; "that is a good excuse truly; *I wish we had a' the same!*"

A GOOD story is told of Mr Timothy Healy, K.C. He was engaged in a marital case tried at Dublin, being counsel for the husband, the defendant. The plaintiff's counsel made an impassioned address on his client's behalf, an address which moved the

members of the jury, one after the other, to tears, and caused the judge, red-eyed, to send for a fresh supply of handkerchiefs. At length himself overcome, the counsel sat down and buried his face in his hands. It was a trying moment for the next speaker, and Mr Healy rose. He looked significantly at the judge, and at the counsel who had just sat down, and then began: "My lord, never since Moses struck the rock has there been such a miracle!"

MR JUSTICE BULLER on one occasion, arriving at an Assize town in the Oxford Circuit, was met by an unsophisticated sheriff, who, moved apparently by his lordship's want of stature—for he was a short man—asked him outright whether he was a *bona-fide* judge, "*as they had so often been fobbed off with serjeants in those parts.*"

A JURY on one occasion drew some very strong comments from Baron Alderson, in consequence of their having returned a verdict in the Criminal Court which ran counter to the judge's opinion. "Good God! Mr ——" (the officer of the assize), he said, "can't I have *another* jury, and let these twelve persons go into the other court where they can't do so much mischief?" Then, addressing the "twelve persons," the judge continued: "Gentlemen, you will find in the other court, perhaps in the course of the day, something you *can* try." Next, turning to the Bar, but appearing to soliloquise: "No doubt there are some men who never can comprehend what 'evidence' is; but that twelve

such should come *together* to-day, and let that man off!" Aloud, to prisoner in the dock: "Prisoner, the jury have acquitted you! Heaven knows why! No one else in the whole court could have the slightest doubt of your guilt, which is of the grossest kind; but you are acquitted, and I can't help it!"

CHIEF JUSTICE TENTERDEN is said to have been somewhat too much under the influence of Scarlett. Upon one occasion Scarlett, provoked at something, said: "Mr Adolphus, we are not at the Old Bailey." "No," replied Adolphus, "for there the judge presides, and not the counsel."

MR JUSTICE MAULE had a fine sense of the anomalies and incongruities of our English law, and his power of sarcasm brought them into strong relief, witness his sentence in a certain bigamy case—a masterpiece of irony. A hawker, having been convicted of bigamy, urged in extenuation that his lawful wife had left her home and children to live with another man, that he had never seen her since, and that he married the second wife in consequence of the desertion of the first. The judge, in passing sentence, addressed the prisoner as follows:—"Prisoner at the Bar,—I will tell you what you ought to have done under the circumstances, and if you say you did not know, I must tell you that the law conclusively presumes that you did. You should have instructed your attorney to bring an action against the seducer of your wife for damages. That would have cost you about £100. Having proceeded thus far, you should have

employed a proctor, and instituted a suit in the ecclesiastical courts for a divorce *a mensa et thoro*, that would have cost you £200 or £300 more. When you had obtained a divorce *a mensa et thoro*, you had only to obtain a private Act of Parliament for a divorce *a vinculo matrimonii*. The Bill might possibly have been opposed in all its stages in both Houses of Parliament, and altogether these proceedings would have cost you £1000. You will probably tell me you never had a tenth of that sum, but that makes no difference. Sitting here as an English judge, it is my duty to tell you that this is not a country in which there is one law for the rich and another for the poor. You will be imprisoned for *one day*."

ON the Bench, Baron Martin invariably endeavoured to reduce matters to a small compass. After a mass of contradictory evidence had been given, and long speeches made in a case which the Baron was trying, he summed up as follows :—" Gentlemen of the jury, you have heard the evidence, and the speeches of the learned counsel ; if you believe the old woman in red, you will find the prisoner guilty, if you do not believe her, you will find him not guilty."

IN a case tried at Bodmin before Chief Justice Erle there was a deaf juryman. He said nothing about his infirmity, and it was only when the judge had finished his summing up that it was discovered that the juryman had not heard a word of the recapitulation of the evidence. The result was that

Erle had to repeat the whole of his summing up for the benefit of the exasperating juryman. Needless to say, he was then discharged.

TO Chief Justice Tindal is ascribed the saying that "whereas Scarlett had contrived a machine, by using which, while he argued, he could make the judge's heads nod at his pleasure, Brougham had got hold of it, but not knowing how to manage it, when he argued, the judges, instead of nodding, *shook their heads.*"

AN amusing tale is told of Baron Parke, a man impressed with a profound reverence for the wisdom of the ancient sages of our law. On one occasion he was summoned to advise the Lords, and in the midst of the argument was suddenly seized with a fainting fit. Cold water, hartshorn, and other restoratives were applied, but they had no effect. At length an idea occurred to one of his brethren, who well knew his peculiar temperament, and he immediately acted on it. He rushed into the library, seized a large musty volume of the old statutes, came back and applied it to the nostrils of the patient. The effect was marvellous. He at once opened his eyes, gave them a slight rub, and in a few seconds he was as well as ever.

A VERY striking instance of Lord Cairns' religious conscientiousness is the fact that he returned one of his first briefs —a very important one from a leading solicitor—because the circum-

stances of the case would have required him to devote the hours of Sunday to the study involved. "Six days a week," he said in returning it, "I am your man; on the seventh day I am God's man only."

AN unpleasant fracas once occurred between Lord Blackburn and the High Sheriff of Surrey. The scene was the Assize Court at Guildford, a most inconvenient building; at all events Mr Justice Blackburn could not hear the witnesses, and he accordingly ordered a portion of the building to be closed against the public. Mr Evelyn—the High Sheriff—protested, published a placard declaring the proceeding to be contrary to law, ordered the building to be opened, and prohibited his officers from helping to keep the public out. For this Mr Evelyn was fined £500, and Lord Chief Justice Cockburn, the senior judge, had an opportunity, in inflicting the fine, of delivering an extremely impressive address—quite in his best style—in which he characterised Mr Evelyn's conduct as "a painfully contumacious contempt of the court."

OF Serjeant Vaughan there was a witty *mot.* It was supposed that his advancement was greatly due to the influence of his brother, who was a royal physician, and when in 1827 he was made a Baron of the Exchequer, it was said that no one had a better title to the post, as he was a judge by *prescription.*

LORD JUSTICE JAMES would often cite, apropos of administrative actions, Lord Justice Knight-Bruce's cynical observation: "The estate will be divided in the usual way among the solicitors."

CHIEF JUSTICE ERLE had a quiet sense of humour and much relished a joke. Once a counsel apologised for a sally of wit which set the court laughing. Erle did not have the laughter "instantly suppressed" or threaten to clear the court. On the contrary, he said: "The court is very much obliged to any learned gentleman who beguiles the tedium of a legal argument with a little honest hilarity."

THE late Judah P. Benjamin, Q.C., replying in a heavy Guildhall case to a long speech made against him, simply said: "Gentlemen of the jury, give us our money, *and be quick about it.*"

THE following story of Lord Kenyon, as illustrating his character, and the manners of the age in which he flourished, is worthy of record. In those days retiring-rooms for the use of the judges were unknown, and a porcelain vase, with a handle to it, was placed in a corner of the court, at the extremity of the bench. In the King's Bench at Guildhall the students' box was very near the corner. One day a student who was taking notes, finding the ink in his little ink-bottle very thick, secretly discharged the whole of it into my lord's

porcelain vase. His lordship soon after having occasion to come to this corner, was observed in the course of a few moments to become much disconcerted and distressed. In truth, discovering the liquid with which he was filling the vase to be of a jet-black colour, he thought the secretion indicated the sudden attack of some mortal disorder. In great confusion and anguish of mind he returned to his seat and attempted to resume the trial of the cause, but finding his hand to shake so much that he could not write, he said that on account of indisposition he was obliged to adjourn the court. As he was led to his carriage by his servants, the luckless student came up to him and said: "My lord, I hope your lordship will excuse me, as I suspect that I am unfortunately the cause of your lordship's apprehensions." He then described what he had done, expressing deep contrition for his thoughtlessness and impertinence, saying he considered it his duty to relieve his lordship's mind by this confession. Lord Kenyon, greatly relieved, answered him: "Sir, you are a man of sense, and a gentleman —dine with me on Sunday."

SERJEANT HILL was not noted for his good manners. When Mr Hotham was made a Baron of the Exchequer, who had never had any business at the Bar, but who nevertheless made a good judge, he gave as usual a dinner at Serjeant's Inn to the judges and the serjeants. Serjeant Hill drank his health thus: "Mr Baron *Botham*, I drink your health." Someone gently whispered to the

Serjeant that the Baron's name was not *Botham* but *Hotham.* "Oh!" said the Serjeant aloud, "I beg your pardon, Mr Baron Hotham, I beg your pardon for calling you Mr Baron Botham, but none of us ever heard your name in the profession before this day."

SERJEANT HILL, who was a very absent-minded man, on one occasion, while arguing a point of law, put his hand into a bag which he had, and instead of a book he drew out a plated candlestick. Someone had put a traveller's bag by the Serjeant, and the joke was that he was the last man to detect the mistake.

MR SERJEANT GARDNER, being lame of one leg, and pleading before Mr Justice Fortescue, who had little or no nose, the judge told him he was afraid he had but a *lame* cause. "Oh, my lord," said the Serjeant, "have but a little patience, and I'll warrant I prove everything *as plain as the nose on your face*!"

MR SERJEANT PRIME was a good-natured man but a most wearisome advocate. One day he had to argue an ejectment case on circuit. The case excited great interest, and the court was full, in spite of it being a very hot day. Nevertheless he spoke for three hours. Early in the case a boy managed to clamber to the roof of the court, and seated himself on a transverse beam over the heads

of the spectators. Overcome by the heat, and the Serjeant's monotonous tones, he fell fast asleep, and, losing his balance, came tumbling down upon the people below. He escaped with a few bruises; but several persons in court were severely hurt. For this offence the Serjeant was tried at the Circuit Table, found guilty, and sentenced to pay three dozen of wine towards the mess, which he did with the greatest possible good humour.

LORD GORELL, who will be better remembered as Mr Justice Gorell Barnes, greatly preferred Admiralty work, and shipping cases, to divorce work. He once jestingly remarked that he found a maritime case "as good as a trip to the seaside." It was this fondness for his work which probably led the sailor who had been in a case before him to remark: "I've been up to London—been up before Judge Barnes. It weren't no use tellin' 'im no lies; 'e knows a thing or two about ships, 'e does!"

MR JUSTICE DARLING once remarked that his experiences in the criminal courts showed him that "if prisoners are to be believed, all the virtuous persons are in prison, and it is the wicked people who put them there."

LORD ERSKINE'S irritable constitution subjected him at times to attacks of hypochondria. On one occasion he complained in the Court of King's Bench that he had "a severe pain

in his bowels, and that he had tried remedy after remedy without obtaining relief." "A pain in your bowels!" exclaimed Jekyll; "a pain in your bowels —get yourself made Attorney-General, Erskine, and then you will have no bowels at all!"

A SCOTCH counsel named Baird was in a dull technical way once stating a dry case to Lord Meadowbank, an acute, vigorous and learned judge, who thought that his dignity required a grander tone. So he dismayed poor Baird, than whom no man could have less turn for burning in the forum, by throwing himself in his chair, and saying: "Declaim, sir! Why don't you declaim? Speak to me as if I were a popular assembly."

IT is recorded of Peter Burrowes, a very eminent lawyer, but a most absent-minded man, that one morning on circuit a brother barrister found him at breakfast-time standing by the fire, with an egg in his hand, gravely boiling his watch in the saucepan!

JUDGE BURNETT, being applied to by an old farmer for his advice in a lawsuit, heard his case with great patience, and then asked him if he "had ever put in a lottery." "No, sir," replied the farmer. "I hope I have too much common-sense to run such risks." "Then take my advice, my good friend," said the judge, "and suffer any inconvenience rather than go to law, as the chances are more against you than in any lottery."

AN indictment for libel was once tried before Mr Justice Maule. The learned counsel for the defence said to the jury: "This, gentlemen, is a shameful, an infamous, I may say a diabolical prosecution." When the time came for summing up, Maule said: "Gentlemen of the jury, you are told that this is a diabolical prosecution; but, gentlemen, you must give the devil his due, *and find the defendant guilty.*" The jury acted up to the judge's instructions.

SERJEANT DAVY on the Western Circuit was once charged with disgracing the profession by taking silver from a client, to which he replied: "I took silver because I could not get gold, but I took every sixpence the fellow had in the world, and I hope you don't call that disgracing the profession."

BETHELL once extricated himself from an awkward dilemma in a clever fashion. Through inadvertence or mistake, Bethell had drawn a bill against a client for whom he held a standing retainer. At the hearing of the suit, his services were claimed by the defendant, and it was Bethell's painful duty to demolish his own handiwork. "Your honour," he said, "of all the cobwebs that were ever spun in a Court of Justice, this is the flimsiest; it will dissolve at a touch." And it did. By way of reparation and consolation, he whispered as he went out of court, in the ear of the solicitor who had first instructed him: "The bill is as good a bill as was ever filed."

LORD JEFFREY, when pleading one day before Lord Newton, was interrupted by the judge asking him in broad Scotch: "Whaur were ye educat, Mr Jeffrey?" "Oxford, my lord," replied Jeffrey. "Then I doubt ye maun gang back there agin, for we can mak nocht o' ye here." On another occasion Jeffrey, in stating his case before the same judge, happened to speak of an itinerant violinist. "D'ye mean a blin' fiddler?" asked Lord Newton. "*Vulgarly* so called, my lord," replied Jeffrey.

ONE of the most characteristic of Lord Westbury's *bons mots* was uttered during the hearing of an action brought by a churchwarden against his vicar for refusing to administer the Holy Communion to him on the ground that he did not believe in the personality of the devil. "The poor churchwarden who did not at one time believe in the personality of the devil seems," said Lord Westbury, "to have returned to the true orthodox faith when he received his attorney's bill!"

SIR RICHARD BETHELL'S metaphors and illustrations, even when veiled in a dead language, were not always appreciated by the tribunals to which they were presented. "Having exposed the *a priori* arguments of my learned friend," he was once saying, "I will now proceed to denude the *a posteriori*——" "Oh, Sir Richard, Sir Richard!" interrupted a scandalised Lord Justice.

A BARRISTER of the name of Harrison one day in court started up with small or no provocation and exclaimed: "I beg leave to say

that I treat the observations of Mr Thesiger with contempt." To which Thesiger (afterwards Lord Chelmsford) merely remarked that if his learned friend would only treat them with *silent* contempt, he would be regular.

THESIGER'S love of a joke was irrepressible. "Hulloa!" called out a man in the robing-room; "whose castor is this?" for in those days beaver had not been replaced by silk. "*Pollux's* (Pollock's), of course," was Thesiger's instantaneous rejoinder.

LORD TENTERDEN'S dislike of repetition and love of accuracy were known to be overcome by an even greater precision and by simplicity, natural or affected, on the part of the counsel. "You've told us that three times, Mr Maule," he exclaimed angrily. "Only twice, my lord," was the reply, as Maule looked up at him through his spectacles.

THE same judge once complained to Joseph Chitty that while addressing the full court *in banco*, he had said the same thing over four times. Chitty acknowledged the correctness of the observation, but with great *naïveté* added: "Why, you see, my lord, *there are four of you.*"

THESIGER on one occasion undertook the defence of a man charged with smuggling cigars alleged in the indictment to be of a certain weight. There was no defence on the merits, but Thesiger insisted on having the cigars weighed,

after the straws had been extracted from their middle. Thus stripped, they failed to turn the scale, and an acquittal necessarily followed.

AT the Assizes in Cardiganshire, in 1832, the defendant in an action sent a statement of his case, with a ten-pound note enclosed, to Baron Alderson, at his lodgings. When the learned judge took his seat on the Bench next day, he mentioned what he had received the evening before, and declared his intention of placing the letter in the hands of the Attorney-General for the purpose of a prosecution against the offender. It was, however, intimated to him that the offence had been the result of ignorance, rather than of crime, and the judge, having returned the money, and censured the defendant, agreed to allow the matter to drop.

A BARRISTER noted for absence of mind was once witnessing the representation of *Macbeth*, and on the witches replying to the Thane's inquiry, that they were "doing a deed without a name," catching the sound of the words, he started up, exclaiming, to the astonishment of the audience: "A deed without a name? Why, *it's void*—it's not worth sixpence!"

THERE is an old Bar joke about Tom Barrow moving with his Yorkshire dialect for a rule to *shoe cows* (show cause) and Mr Justice Lawrence answering: "Mr Barrow, we shoe horses in this country, not cows."

HENRY ERSKINE, the Scotch advocate, succeeding Dundas as Lord Advocate, the latter good-humoured politician offered to lend Erskine his embroidered official gown, as he would not want it long. "No," said he, in the same spirit, "I will not assume the abandoned habits of my predecessors."

IT is not often that a counsel on circuit hears of his wife presenting him with triplets—or rather through a mistake imagines he has received that serious addition to his family. However, in 1802, Sir James Mackintosh, then a barrister, was going his circuit, and had left his wife at home near her confinement, and when at Bedford was anxiously looking out for a letter, but received none. When he reached Huntingdon he found the long-expected despatch announcing the birth of a fine boy. The next circuit town was Cambridge, where he found another despatch, also announcing the birth of a boy, and the circuit mess of course congratulated him heartily on the twins. But he had no sooner reached the next stage at Bury, when a third letter awaited him, announcing for the third time the birth of a boy. These augmentations of his domestic circle excited the highest enthusiasm at the circuit mess, for their unprecedented rapidity. The learned counsel had shortly before been delivering his celebrated lecture in Lincoln's Inn Hall on "The Law of Nature and Nations." The leader of the circuit, Mr George Wilson, rose after dinner, and taking judicial notice of the remarkable domestic incident they had all heard of so recently, said he was sure that the Bar

would with acclamation join him in drinking the health of Mrs Mackintosh and her three sons, Master Grotius Mackintosh, Master Puffendorf Mackintosh, and Master Vattel Mackintosh, for each of whom they predicted a brilliant career! Great applause followed. It turned out that the two last letters had been posted too late for the post, and led to the apparent accumulation of events.

CROSS-EXAMINATION has been described as "an invention, the effect of which is to draw whatever you please from an innocent man with delicate nerves, and to save a robust criminal."

LORD JUSTICE KNIGHT-BRUCE often during a heavy argument sent down notes to one or other of the counsel, containing jokes or satires on the case, or on something said by the other counsel. On one occasion a case involved some allusion to the effect of the preacher's eyes on ladies attending church. The judge said one of the registrars of the court had translated a French epigram for him on this subject as follows, and it was very good :—

> "The curate's eyes our ladies praise!
> I never see their light divine;
> He always *shuts them* when he prays,
> And when he preaches, *closes mine*!"

ONE night, walking through St Giles's by way of a short cut towards home, an Irishwoman came up to Mr Adolphus, the Old Bailey counsel. "Why, Misther Adolphus! and who'd a' thought of seeing you in the Holy Ground?" "And how

came you to know who I am ?" asked Adolphus. "Lord bless and save ye, sir !" she replied ; "not know ye ? Why, I'd know ye if ye was boiled up in a soup !"

DUNNING, when at the Bar, had an enormous practice. Being asked how he contrived to get through all his work, he replied : "I do one-third of it ; another third does itself ; and I don't do the remaining third."

WHEN Mr Justice Page, who was known as "the hanging judge," was decrepit, he perpetrated an excellent joke upon himself. As he was coming out of court, shuffling along, a friend stopped him and inquired after his health. "My dear sir," the judge replied, "you see I keep just *hanging on—hanging on* !"

ON one occasion an Irish judge shook his head as Mr Curran was elaborating one of his points to a jury. "I see," said Curran, "I see, gentlemen, the motion of his lordship's head : common observers might imagine that it implied a difference of opinion, but they would be mistaken. It is merely accidental. Believe me, gentlemen, if you remain here many days you will yourselves perceive that when his lordship shakes his head there's *nothing in it* !"

LORD ERSKINE, when at the Bar, would often open a case in a vein of pleasantry such as common jurors could appreciate. The following is an instance. An action was brought by a gentleman who, whilst travelling in a stage-coach, which

started from "The Swan with Two Necks," in Lad Lane, had been upset and had his arm broken. "Gentlemen of the jury," said Erskine, "the plaintiff in this case is Mr Beverly, a respectable merchant of Liverpool, and the defendant is Mr Wilson, proprietor of 'The Swan with Two Necks,' in Lad Lane—a sign emblematic, I suppose, of the number of necks people ought to possess who ride in his vehicles."

ON one occasion pleading for a poverty-stricken defendant in a case of breach of promise of marriage where the lady plaintiff was on the shady side of forty, Erskine drolly submittted to the jury that it would have ruined his client to bring home an old-fashioned piece of furniture where he had not even a place to hang it up in.

SOME years ago a well-known K.C. applied to have the evidence of a certain witness taken on commission, on the ground that if the witness was required to attend the courts, he would be unable to resist the attractions of the refreshment bars, and would speedily get into such a condition in which his testimony would be valueless.

AN amusing story comes from the Western Circuit, on which Lord Justice Vaughan Williams (then Mr Justice) was accompanied by Lady Williams, his daughter, and a bull-terrier. The unpretentious appearance of the party was the cause of an extraordinary mistake at Doncaster. When the train arrived at the ancient town, the

sheriff and his officers observed a distinguished-looking individual in a saloon carriage, and upon his alighting received him with the elaborated homage due to one of her Majesty's judges. In the midst of the ceremony one of Justice Vaughan Williams' servants rushed about breathless into the group, exclaiming: "Gentlemen, gentlemen, his lordship is at the other end of the train!" The sheriff and his subordinates hastened to the learned judge with all the dignity they could command, but the immediate renewal of the civilities they had wasted upon the stranger was *not* a success.

MR WILLIAM WILLIS, Q.C., once provided the judges of the Court of Appeal with an opportunity of displaying their humour. His opponents having relied upon an Act with which every lawyer is familiar, Mr Willis, desiring for once to economise in the matter of speech, remarked: "They have raised George the Third." He had not proceeded very far in his argument before he again observed: "They have raised George the Third." The repetition of the remark proved too much for the Master of the Rolls, Lord Esher, who, amid loud laughter, said: "I hope to goodness they've done nothing of the sort."

IN former days it was a common thing for the vacation judge to be called upon to grant an injunction under conditions not quite consistent with the dignity of the Bench. Vice-Chancellor Wickens was once dragged at midnight from his bed at his vacation retreat near Chichester, and, arrayed

in dressing-gown and slippers, granted an injunction which was enforced the following day at Brighton.

MR JUSTICE MAULE once addressed a phenomenon of innocence in a smock-frock in the following words :—" Prisoner at the Bar, your counsel thinks you innocent ; *I* think you innocent ; but a jury of your own countrymen, in the exercise of such common-sense as they possess, which does not appear to be much, have found you guilty, and it remains that I should pass upon you the sentence of the law. That sentence is that you be kept in imprisonment for one day, and as that day was yesterday, you may go about your business." The unfortunate rustic, rather scared, went about his business, but thought that the law was an uncommonly puzzling thing !

A FAMOUS *bon mot* of Sir Francis Jeune, when he was a promising K.C., is worthy of record. Being engaged in some ecclesiastical litigation in a Bishop's Court (the jurisdiction of which it was his duty to dispute), he was taxed with assisting at the prayers with which that tribunal began business. His defence was : " *But I prayed without prejudice.*"

A MAN who was suggested to be the father of an infant was brought before the Marylebone Police Court on the subject. After a patient hearing of the case the magistrate decided against the man. Calling on the man's counsel a little after, the magistrate said : " You made a very good speech, and I was inclined to decide in your favour, but, being a

bit of a naturalist, while you were speaking I was comparing your client with the child, and there could be no mistake, *the likeness was most striking*." "Why! Good heavens!" said the counsel, "my client was not in court, the person you saw was the solicitor's clerk." And such was the case.

THERE are many ways of winning cases, as the following story goes to show. It was on the South-Eastern Circuit, and counsel engaged for the defence in a very bad case was hard pressed for some method of getting an acquittal. The chief witness for the prosecution, an old farmer of eminent respectability, had told his story, and could not be shaken. Noticing that the witness wore a somewhat extraordinary waistcoat, counsel suddenly asked him where he got it, and the witness, taken aback by the question and somewhat disconcerted, stammered and declined to answer. When it came to his turn to address the jury, the prisoner's counsel said: "Gentlemen, the case for the prosecution rests on the evidence of one man. You no doubt noticed his extraordinary waistcoat, and also that he declined to tell the court where he got it. Now there are only four honest ways by which a man can come by a waistcoat: he may have bought it, he may have hired it, he may have found it, or he may have had it given to him. If the witness had obtained his waistcoat in any of these ways he would have told us. I ask you what reliance can be placed on the evidence of such a man?" The prisoner was acquitted.

A DISTINGUISHED American sat by Lord Esher in the Court of Appeal and heard a well-known Q.C. argue a point. When he had finished Lord Esher said to his friend : " What do you think of that gentleman ? " The American asked who he was. " One of her Majesty's counsel," replied the Master of the Rolls. " Oh," said the American, " now I understand why you use the expression I have heard so much since I came to this country, ' God save the Queen.' "

LORD BLACKBURN was not only one of the greatest exponents of the Common Law, but was one of the most conscientious men that ever did justice on the Bench. Not long after his appointment as judge he was trying an action in which the plaintiff sought to recover damages for an injury that had caused him the loss of an eye. The counsel for the plaintiff, dwelling on the seriousness of the injury to his client, spoke of it as " blighting his career." " I have lost the sight of an eye, Mr ——," interposed Mr Justice Blackburn, " and it has not blighted my career." The jury, probably influenced by the judge's remark, awarded the plaintiff but trifling damages. Blackburn was conscience-stricken. He thought it over, and on the following day sent a cheque for fifty pounds to the plaintiff.

SIR JOHN HOLKER once remarked to Lord James of Hereford that the surest way of finding out whether a man is a good fellow is to see whether after a day's fighting at *nisi prius* you

want to *walk back from Westminster to the Temple with him.*

IN 1882 the original design of the Irish Coercion Act—to entrust the trials to a tribunal of three judges without a jury—came to naught, owing to the resistance of the judges themselves, one of whom, Baron Fitzgerald, resigned his place on the Bench, rather than administer this part of the Act, and another—Lord Chief Justice Morris, said: "*I'm damned if I'll turn hangman!*"

WHEN Mr Justice Hawkins' services at the Bar were in great demand, he was interested on behalf of the defendant in a certain case. As he was unable to attend to it personally, he did what in those days was usual—handed the brief to another Q.C., and asked him to "do" the case for him, retaining, as was the custom, the fee for himself. When the solicitor instructing him heard of this, he went into Westminster Hall, where Hawkins was walking, and bitterly reproached him with his conduct. "I believe," said he, "you would take a brief from the devil himself!" "Yes, I should," replied Hawkins, "but as in your case, I should hand over the brief."

SIR CHARLES RUSSELL (afterwards Lord Russell of Killowen) in the Parnell Commission was constantly getting at loggerheads and cross-purposes with the President of the Commissioners, Sir James Hannen (afterwards Lord Hannen).

One day it was whispered at the sitting of the court that the President was not going to stand any more dictation at the hands of Sir Charles. The climax came about in the following way. The President ruled a question out, as irrelevant. Sir Charles proceeded to argue that his question was regular and in order, and necessary for his defence. "I have ruled the point," said Sir James Hannen calmly but firmly, "and it is I who, I think, should have the last word." "That is usual," was the quick retort of Sir Charles, who had certainly lost his temper for the moment. The crowded court watched this sharp conflict between Bench and Bar, expecting that the explosion would not end there, and just when another word would have placed the foremost leader of the English Bar in at least a false position, seeing that he was an ex-Attorney-General, Sir Henry James—afterwards Lord James of Hereford—calmed the storm quietly and effectively. All he said was: "Russell! Russell!" pleadingly, and the distinguished Irishman instantly bowed to authority. The President and he were soon reconciled.

SIR FRANK LOCKWOOD, Q.C., was for many years easily first as a forensic wit. On one occasion Sir Edward Clarke, K.C., who was against him, ventured to interpose with a humorous aside. Lockwood was indignant. "You must remember, Sir Edward," said Mr Justice Mathew with a quiet smile, "that Sir Frank Lockwood *has a monopoly.*"

ON one occasion after the Long Vacation someone remarked to Sir Frank Lockwood that he looked as if he was losing flesh. It was at the time when the appointment of some judges, not remarkable for size or *embonpoint*, was fresh in men's minds. "Yes," he said, "I am in training for the Bench."

LORD ELDON, when plain Mr John Scott, was cheated of his maiden fee. He had been called to the Bar but a day or two when on coming out of court one morning he was accosted by a dapper-looking attorney's clerk who handed him a motion paper in a matter which merely required to be authenticated by counsel's signature. Scott signed the paper, and the attorney's clerk, taking it back from him, said: "A fine hand, your's, Mr Scott—an exceedingly fine hand! It would be well if gentlemen at the Bar would always take a little of your pains to ensure legibility. A beautiful hand, sir!" While he spoke thus the eloquent clerk was fumbling first in one pocket, then in the other, till with a hurried air he said: "A—a—a—I really beg your pardon, sir, but I have unfortunately left my purse on the table in the coffee-room opposite, pray do me the favour to remain here, and I will be back in a moment." So speaking, the clerk vanished with the rapidity of lightning, and Scott never set eyes on him again!

DANIEL O'CONNELL could be exceedingly offensive in the remarks he addressed to the Bench. On one occasion, during a motion for a

trial, counsel called on a young Kerry lawyer, who was attorney on the other side, to produce some document, or make some admission. O'Connell, who happened to be in court, but for aught that appears, knew nothing whatever of the rights and wrongs of the case, and had nothing to do with it, stood up in court and told the attorney to refuse. Baron M'Clellan, one of the judges on the Bench, asked O'Connell if he held a brief in the case. "No, my lord," said O'Connell, "I do not, but I will do so when the case goes down to the Assizes." "When I was at the Bar," said the judge, "it was not my habit to anticipate briefs." "When you were at the Bar," replied O'Connell, "I never chose you for a model, and now that you are on the Bench, I shall not submit to your dictation!"

LORD WESTBURY, when Lord Chancellor, took especial interest in the Irish Church Bill, and while agreeing that the existence of the Irish Church was a great evil that needed to be cured by legislation, protested against the Bill as a measure of mere destruction and confiscation. The case of St Ambrose had been often mentioned in the debates and there was much controversy as to whether in applying the vessel of the Church to secular uses he had been guilty of sacrilege. "What might be the opinion respecting St Ambrose," said Westbury, "in the days when he lived, I do not know; but I must say, with the modern ideas of property, that if St Ambrose had been brought before me in equity, I should not have hesitated to find him guilty of

a breach of trust, and to make him refund the property."

DR MACLEAR happened to be the preacher in the Temple Church the Sunday following Lord Westbury's downfall, and without the smallest thought of its bearing on current events chose 1 Samuel ii. 17 for his text.

IT is told of Charles Austin, the great Parliamentary barrister, that he was seen riding in the Row when it was known that he was briefed before every committee sitting on that day. He explained that as he would not give any client an undue preference, he had perforce *to stay away altogether*!

CHIEF BARON SIR ALEXANDER THOMSON, on being asked how the business proceeded in his court when sitting between Chief Baron Macdonald and Baron Graham, replied: "What between snuff-box on one side, and chatter-box on the other, we get on pretty well."

CURRAN, hearing that a stingy and slovenly barrister had started for the Continent with a shirt and a guinea, remarked: "He'll not change either till he comes back!"

A FARMER attending a fair with a hundred pounds in his pocket took the precaution of depositing it in the hands of the landlord of the public-house at which he stopped. Next day he

applied for the money, but the landlord pretended to know nothing of the business. In this dilemma the farmer consulted Curran. "Have patience, my friend," said the celebrated counsel. "Speak to the landlord civilly and tell him you are convinced you must have left your money with some other person. Take a friend with you, and lodge with him another hundred, and then come to me." The farmer questioned the wisdom of the advice, but decided to follow it. "And now, sir," said he to Curran, "I don't see that I am to be better off for this, if I get my second hundred again. But how is that to be done?" "Go and ask him for it when he is alone," replied counsel. "Ay, sir; but asking won't do, I'm afraid, without my witness at any rate." "Never mind, take my advice," said Curran, "do as I bid you and return to me." The farmer did so, and came back with his hundred, glad at any rate to find that safe in his possession. "Now, sir, I suppose I must be content; but I don't see that I am much better off." "Well, then," said Curran, "now take your friend with you, and ask the landlord for the hundred pounds your friend saw you leave with him." It need not be added that the wily landlord found that he had been taken off his guard, whilst the farmer returned exultingly to thank his counsel with both hundreds in his pockets!

LORD KENYON was curiously economical about the adornment of his head. It was observed for a number of years before he died that he had two hats and two wigs. Of the hats and the wigs one was

dreadfully old and shabby, the other comparatively spruce. He always carried into court with him the very old hat and the comparatively spruce wig, or the very old wig and the comparatively spruce hat. On the days of the very old hat and the comparatively spruce wig he put his hat under the bench and displayed his wig, but on the days of the very old wig and the comparatively spruce hat he always remained covered.

THERE is an amusing anecdote of Mr Justice Powell, who was a judge in the reigns of James II., William III., and Queen Anne, from which it appears that he dealt more sensibly than most of the judges with some persons who were tried before him on a charge of witchcraft. To show that a woman tried before him was a witch, she was charged with being able to fly. "Ay," said the judge, "and is this true? Do you say you can fly?" "Yes, I can," she said. "So you may, if you will, then," replied the judge. "I have no law against it!"

AS a cross-examiner Curran was unrivalled. He was ingenious and witty. "My lord," cried one of his victims, "I cannot answer Mr Curran, he is putting me in such a *doldrum*." "A *doldrum*!" exclaimed the judge. "What is a *doldrum*, Mr Curran?" "Oh, my lord," replied Curran, "it is a common complaint with persons like the witness. It is confusion of the head, arising from corruption of the heart!"

CURRAN once scored off Sir Boyle Roche. The worthy baronet was married to the *eldest* daughter of Sir John Cave, and he boasted of the fact to Curran. "If he had an older one, Sir Boyle," said Curran, "he'd have given her to you!"

MR JUSTICE WILLIAM O'BRIEN, though of a surly appearance, was a very good-hearted man. At the time of the Invincibles' Conspiracy in Ireland he was especially marked out for assassination. A story is told that the judge, who was a great book-lover, was one day absorbed in the treasures of an Edinburgh bookstall when the plain-clothes Irish policeman who always accompanied him glided up and told him a crowd was gathering to observe him. The judge and his escort moved away, under the impression they were escaping from a group of Invincibles, and did not suspect that the owner of the bookstall had mistaken the judge's grim hatchet face and funereal-black clothes for those of the public executioner, who had been performing one of his tasks in Edinburgh that morning, repeating with wonder to the curious observers: "Hey, mon, who'd thocht it? 'Twas a volume of 'The Ettrick Shepherd' the black fellow was speerin', just as douce as if he'd ne'er cracked a neck!"

LORD AVONMORE (Baron Yelverton) used to relate that when he was at the Bar he was retained on one occasion at Tralee at a half-guinea fee and lost the case. The matter had passed from his mind when he was stopped the following day on the road to Cork at a quiet spot and compelled to

disgorge the half-guinea by his irate clients, who added insult to injury by exercising their bucolic wit at the same time as to the value of his advocacy !

WHEN Chief Baron Thomson was on circuit on one occasion there was present at the judge's dinner a learned dignitary of the Church who did ample justice to all the good things on the table. The cloth having been removed, " I always think, my lord," said the reverend gentleman, " that after a good dinner a *certain* quantity of wine does a man no harm." " Oh no, sir ! Oh no, by no means," replied the Chief Baron, smiling ; " it is the *uncertain* quantity that does the mischief."

IN an Admiralty Appeal case before Lord Esher counsel was arguing for the offending ship, which had been held to blame for not stopping and reversing her engines during a thick fog as soon as she heard the whistle of an approaching vessel. He contended that there was no obligation upon his ship to take action until she had made the other ship out ; whereupon the Master of the Rolls silenced him with the caustic remark that the master of the ship had no right to wait until he had made out the other vessel, as he must have known it was *a ship* that was approaching him, adding : " It could not have been a cow ! "

LORD ESHER had a strong sense of humour. When rumour had been specially persistent that his resignation had been placed in the hands of the Lord Chancellor, Lord Esher, who dearly loved a joke, would appear in a brand-new wig !

BARON BRAMWELL, when at the Bar, was constantly coming into collision with Lord Campbell. Impatient and somewhat despotic in his later years, that judge had acquired a way, as he passed up and down the Bench, of dropping during the trial remarks of a kind which Bramwell resented. On one occasion there was an explosion. In the early stages of a case in which Bramwell was for the defendant, Lord Campbell had so far forgotten himself as to let fall more than one observation favourable to the plaintiff. When Bramwell's turn to open the defendant's case came, he began in this wise: "Gentlemen of the jury, when a plausible case, supported by plausible evidence, is put before you in a plausible way, by a plausible advocate, you may be pardoned for thinking that there is no answer to it, but that a man"—and here he pointed towards the judge—"whose lifetime has been passed in Courts of Justice and the administration of the law, who has been appointed to preside over your deliberations that his experience may remedy your inexperience, should so far forget himself as to ignore the golden rule, 'Hear the other side,' fills me with astonishment and indignation." Campbell, it is only fair to add, summed up with perfect impartiality, and the defendant succeeded.

A PRISONER was one day tried before Baron Bramwell on a charge of stealing a ham. The day was hot, the counsel were loquacious, the audience perspired, and so did the ham, the presence

of which made itself felt in court as the day wore on. At last, everyone being weary, came the judge's turn to sum up. He did so, in the following terse fashion:—"There, gentlemen, is the prisoner, and there, gentlemen, is the ham. Consider your verdict!"

IN the first Tichborne Trial Sir John Coleridge—afterwards Lord Chief Justice—during his speech gave copious extracts from the Old Testament. Sir George Honyman turned to Hawkins and whispered: "Why, he's giving us the first chapter of Genesis." "Yes," was the reply, "but what we want is the last chapter of Revelations!"

A WIDOW was once sued in one of Judge Bacon's courts by a firm of monumental masons who had erected a tombstone to her husband's memory. Mrs Jones' answer to the claim was that the work had not been done to her satisfaction, and she fought the case with a persistency that was equalled only by her volubility. Judge Bacon did his best to put the quarrelsome lady in a more reasonable frame of mind, but she swept aside all his endeavours with her torrential talk. "Surely," said his honour, "you wish to pay a reasonable sum for the tombstone you have erected to your husband." But the voluble widow was obdurate. "I perceive," said the judge, his patience all exhausted, "that the late Mr Jones *is at last at rest*!"

SIR FRANK LOCKWOOD on one occasion, being on circuit with Mr Waddy, Q.C., went one evening to hear that gentleman preach in a local Wesleyan chapel. On seeing Lockwood enter, Waddy mistrusted his motives, and, taking the bull by the horns, called upon Lockwood to lead the devotions, an appeal which discomfited Lockwood entirely.

MOST lawyers take a keen delight in trying to confuse medical experts in the witness-box in murder trials, and often they get paid back in their own coin. In one case counsel, after exercising all his ingenuity without effect, looked at the doctor who was giving evidence and said : " You will admit that doctors sometimes make mistakes, won't you ? " " Oh yes, the same as lawyers," was the cool reply. " The doctors' mistakes are buried six feet underground," was the counsel's triumphant reply. " Yes," retorted the doctor, " and lawyers' mistakes often swing in the air ! "

LORD YOUNG was responsible for enlivening many a dull case. One of his best *bons mots* was his reply to a counsel who urged on behalf of a plaintiff of somewhat bibulous appearance : " My client, my lord, is a most able man, and holds a very responsible position. He is manager of some waterworks." After a long look Lord Young answered : " Yes, he looks like a man who could be trusted with any amount of water ! "

ON one occasion Sir Frank Lockwood, who was a clever caricaturist, had to complain that the air coming through an open window was sufficient to cut his head off. "I thought you were nothing if not a draughtsman!" replied a witty friend.

LORD CHIEF JUSTICE COLERIDGE, when at the Bar, once had to cross-examine an eminent professional witness about a proposed harbour. In the course of doing so he said: "But, sir, isn't there a reef of rocks that would be a great inconvenience to you?" "Oh yes," replied the witness, "undoubtedly there is, but we propose to get rid of it in a certain way." "Very good," rejoined Coleridge; "but when you have got rid of it would there not be a very awkward sand-bank to contend with?" "Certainly," said the witness; "but against that we should provide." "Well," continued Coleridge, "but when you have removed both these obstacles would you not still have a great deal of trouble from the current of the river when in flood?" "Clearly," was the answer; "but we should be able to encounter that difficulty." "*You have seen the place*, have you not?" asked Coleridge. "Oh yes," replied the other. "*Well, I never did*," replied Coleridge. "*I have invented alike the reef, the sand-bank, and the river!*"

H. G. SHEE once said a witty thing to Lord Coleridge, who was puzzled with the Lancashire dialect. A witness in describing a verbal encounter said: "Then the defendant turned round

and said if 'e didn't 'owld 'is noise 'ed knock 'im off 'is *peark*." "*Peark?* Mr Shee, what is meant by 'peark'?" asked the Lord Chief Justice. "Oh, *peark*, my lord, is any position where a man elevates himself above his fellows—for instance, *the bench*, my lord."

SOME years ago a judge was appointed to preside in one of the courts, much to the annoyance of the profession, who considered that the Lord Chancellor might have made a better use of his patronage. His conduct for some time after his appointment fully justified the apprehensions previously entertained. The reckless manner in which he decided important and difficult cases, and his frequent disregard of previous decisions, created much discussion. Once after he had delivered judgment in a particular case a King's Counsel observed in a tone loud enough to reach the Bench: "Good heavens! every judgment of this court is a mere toss-up." "But *heads* seldom win," observed a learned junior sitting behind him.

MR E. P. PRICE, Q.C., for some time Judge of County Courts in the Norwich district, and also Recorder of York, was a fine specimen of the blunt, straightforward lawyer, keen to detect injustice, and very humorous. In the early nineties the Downham Market County Court was attended by several young solicitors, one of whom rose to some fame as an advocate in local cases. Anxious to chaff these budding legal luminaries, the judge one day espied a countrywoman at the back of the court with a young child in her arms. In his usual style Judge

Price thus addressed her: "Hi! missis, take that child out of the door; if this court is a *nursery for young lawyers*, it is not a nursery for babies!"

A STORY is told of Judge Price when sitting at the Wisbech County Court. A case was being heard in which a merchant in one of the large Midland towns claimed damages from a local farmer in respect of a quantity of hay, sold and delivered to him, not being according to sample. The evidence was lengthy and technical to a degree, and the plaintiff, growing impatient, offered to furnish a sample of the hay to his honour to judge for himself as to the quality of the same. This was too much for Judge Price, who quietly told the witness that he had "better send for King Nebuchadnezzar," as he was not an expert in hay or straw. The case was eventually referred to an assessor of more modern lineage.

MR JUSTICE BARGRAVE DEANE, when practising as a junior, in order to make himself better acquainted with navigation, purchased a yacht, which he let to a gentleman during one Long Vacation when he was unable to make use of it himself. That gentleman sailed away, taking somebody else's wife with him, and the owner never again saw his yacht, the rent for which the hirer had omitted to pay!

A JURY at Worcester Assizes upon one occasion found a prisoner guilty, but recommended him to mercy on the ground that *there was some doubt as to his identity*!

WILSON CROKER, long attached to the Munster Circuit, was possessed of much humour. When Tom Goold—who became a Master-in-Chancery—was at the Bar he once got retainers from both sides. "Keep them both," said Croker; "you may conscientiously do so. You can *be counsel* for one side and *of use* to the other!"

LORD ANNALY was once going to Cork Assizes, where he was to try a heavy case involving the right of a gentleman named Nagle to a large estate. In crossing a stream the judge's carriage was encountered by a large drove of bullocks, and considerable delay arose as to his progress from the crowded and unruly animals. He bore it in silence for a few minutes, but at length, impatient of the continued delay, he angrily called out to the driver of the herd: "Hallo, friend! make way there at once; how dare you stop me!" "I can't help it, sir," replied the bullock-driver; "I'm obeying the orders of my master, Mr Nagle, who ordered me to drive these beasts to——" (naming Lord Annaly's residence in another county). On this announcement his lordship's ire softened down considerably. He inquired *who* Mr Nagle the owner of the bullocks was, and having satisfied himself that the drove was intended by that gentleman as a *douceur* for his lordship previously to the pending trial, he awaited the clearance of the passage in philosophic silence. When the trial came on he took excellent care to secure a verdict in favour of Nagle. On his return to his own abode after the circuit had closed the first question he asked

was: "Where are the bullocks?" But bullocks, alas! there were none. Nagle had fairly taken in the judge. The fact was that his case had been disposed of at an early period of the Cork Assizes, and seeing no utility in giving away his bullocks for a verdict which was now secured, he despatched an express, who overtook the drover within six miles of the judge's residence and ordered him to return!

ALTHOUGH an extremely handsome man, Lord Mansfield was destitute of anything like personal vanity. Sir Joshua Reynolds said that when Mansfield was sitting to him for his portrait he asked his lordship if he thought it was a likeness. "I really cannot say, Sir Joshua," replied the Chief Justice, "for I have not seen my face in a looking-glass for thirty years. My servant always dresses me and puts on my wig, so I have no need of consulting the mirror."

A STORY is told which illustrates the difference in the styles of Scarlett and his contemporary, Henry Brougham. Scarlett chatted to the jury and talked them round, but Brougham spouted at them. One day Wightman—afterwards Mr Justice Wightman—left the York Assize Court in company with a juryman whom he had seen in the jury-box day after day. Liking the look of the man, Wightman began to chat to him, and in the course of the chat asked him his opinion of leading counsel. "Oh," said the juror, "that Lawyer Brougham be a wonderful man; he *can* talk, he can. But as for Lawyer Scarlett, I don't

think nowt of him." "You surprise me," replied Wightman, "for you've been giving him every verdict." "Oh! that's nowt," replied the juror; "you see he be so lucky, he be always on the right side!" Little did the worthy Yorkshireman dream that he was paying Scarlett the highest possible compliment.

ONE of our judges was once trying a case in which he was urged by the counsel for the defendant to rule that there was no evidence for the jury. He observed that if he did the Court of Appeal would probably say he was wrong. "I don't think there is any chance of that, my lord," said counsel cheerfully. "Well, you probably know the Appeal judges better than I do," answered the learned judge. "You hear them in court, I never see them except at lunch." "Your lordship no doubt sees them *at their best*," was the dry reply, delivered in tones of the utmost solemnity and respect.

SIR FRANK LOCKWOOD was wont to relate with great relish an incident which happened while he was yet young as a lawyer. A barrister was conducting the prosecution of a man for stealing a teacup, and in the middle of his address to the jury a telegram was placed in his hand. Instantly the impetuous recipient, who had taken a five-shilling chance in the Bar "sweep," exclaimed joyously: "Silvio's won—and I've won." His lordship, Mr Justice Hawkins, taken aback by this extraordinary proceeding, demanded to know the

meaning of it. The barrister apologised for his conduct, and craved forgiveness. "It is most improper," said his lordship, "and I trust it may never occur again." The case was then about to be resumed when the judge drily intervened with: "Oh, by the by, Mr ——, did the telegram say what was second and third?"

MR JUSTICE HAWKINS, as is well known, was a great sporting judge. One year he was particularly anxious to be present at the Derby, and suggested to a well-known Queen's Counsel, whose interests were of quite another sort, that when the court rose on the eve of Derby Day he should ask that the case in which he was engaged should be adjourned until the day after the morrow. Accordingly, to oblige Hawkins, the Q.C. duly made his application. "I am afraid, Mr ——," was Hawkins' reply, "that except for some good reason I cannot interfere with the ordinary course of business." "Well, m'lord, the fact is, it is a matter of very personal convenience." "Oh, well," said the judge, "of course in that case I have nothing further to say, and the case is adjourned. But I strongly suspect, Mr ——, you want to go to a certain meeting. *Oh! you wicked old man!*"

A CHARACTERISTIC story is told of Lord Chief Justice Coleridge after he had taken office under Mr Gladstone in 1868. Entering the robing-room, Sir John Karslake approached his old friend and said: "I congratulate you, John Duke,

but you don't know what the work is, and when you do, you will not congratulate yourself." To this Coleridge solemnly answered: "My dear Jack, you have many great qualities, but you have one great defect—you have never known how to make use of the efforts of others. Now let me assure you that it is quite wonderful how much work others may do before it begins in any way *to tell on me*!"

BARON BRAMWELL once remarked that "if juries had to give the reasons for their verdicts, trial by jury would not last five years!"

LORD BROUGHAM once gave the following celebrated decision, that a will in which property was left to "the second, third, fourth, and *other sons* severally and in succession, according to their priority of birth"—the limitation of the first son having been omitted by an oversight of the copying clerk—gave the property to the elder son, because though neither second, third, nor fourth, he was *another son.*

IN the art of cross-examination J. P. Curran excelled. Once he asked a jockey's servant his master's age, and the man retorted with ready gibe: "I never put my hand into his mouth to try." The laugh was against Curran, until he made the bitter reply: "You did perfectly right, friend, for your master is said to be a great bite."

HAVING been engaged at Cork to prosecute an officer named St Leger, Curran found that he had afterwards to fight a duel, owing to the licence the counsel had used. They met, but Curran did not return his opponent's fire. "It was not necessary," he said afterwards, "for me to fire at him; he died in three weeks after the duel—of the report of his own pistol."

THERE was a certain Chancellor in Ireland who was born a few years after his father and mother had separated. As he did not like Jerry Kellegher—a great wit at the Irish Bar—he used to make a great fuss as to how he should pronounce his name. At last in court one day he burst out: "Pray tell me what you wish me to call you—Mr Kellegher or Mr Kellaire?" "Call me anything you like, my lord, so long as you call me *born in wedlock*!"

IN a child murder case heard before John Inglis, Lord Justice General of Scotland at the Glasgow Circuit, the Advocate Depute struck a bargain with the jury, declaring that if they would return a verdict of murder he would see to it that the capital sentence was not carried into effect! This precedent has fortunately not been followed.

A CASE presenting some extraordinary features occurred in Ireland during the agrarian outrages which took place in the early part of the nineteenth century. A man was tried for the murder of a farmer in the county of Limerick, and the clearest and most convincing evidence given of

his guilt; so much so that the presiding judge and every person present felt assured of a conviction without the jury retiring to consider their verdict. One of the jurors, however, urged that, as the life of the prisoner was at stake, they ought for the sake of appearances at least to deliberate, and accordingly, to the surprise of all in court, they retired to the jury-room. When the doors were closed they all naturally inquired of the cautious and conscientious juror, who was a resident gentleman of some property, well known in the county, whether he had any doubt of the prisoner's guilt. "Not the least," he promptly replied; "but we are all friends here, and I have a most serious question to put to you." They were, of course, all attention. "Is it," said he, "a reason because one ruffian chooses to shoot another ruffian that I should lose three hundred a year by it? That ruffian in the dock is the last life in my lease of the fine farm on which I live, and if he's hanged I'll lose my farm. Now, I appeal to you all, would that be just or fair? I had myself put on the jury to prevent myself from being robbed." A solemn deliberation immediately followed; some earnestly but vainly inquired could the shadow of a doubt be suggested in order to justify a merciful consideration of the case, while others hinted at a strong recommendation to mercy, a proposal considered useless, as in the event of a conviction the fate of the murderer was inevitable. The justice of preserving the farm in the end preponderated, a verdict of "not guilty" was unblushingly returned.

AN amusing incident is told of Mr Justice Blackburn when presiding at the trial of the Wallingford Election Petition. It was a ladies' battle, and the warmth of their advocacy was made so apparent upon the first day that on the second they were divided and placed upon opposite sides of the court. Mr Justice Blackburn had taken his seat, and composed himself for the performance of his duties, when a lady, having arrived late, had to pass him to get to her party. Now his lordship's legs being no unimportant portion of his body, her flounces became seriously entangled in her attempted passage, and for the moment the judge was lost sight of by the audience in front, whilst the lady presented the appearance of sitting on his knee. The judge's voice was heard in no musical tones, and when relieved from his embarrassment he declared in emphatic language that he "had never been in such a position before!"

BARON POLLOCK, sitting in court on circuit, was one day disturbed while delivering judgment by the ringing of the bells in an adjoining church. "I was not aware," remarked his lordship, "that this was a Court of Ap*peal*!"

AN amusing story is told of Philip O'Connell, who was on one occasion consulted by a client about the recovery of a debt. He at once saw that the defence would be a pleading of the Statute of Limitation, so he told his client that if he could get a man to swear that the debtor had admitted the

debt within the last six years, he would succeed, but not otherwise. O'Connell went off to take the chair at a Bar dinner to a new County Court judge. As the dessert was being set on the table a loud knock came at the door, which was immediately behind the chairman. "What is it?" cried O'Connell. A head appeared, and a voice from it exclaimed; "I'm Tim Flaherty, your honour, as was consulting you outside, and I want you to come this way for a while." "Don't you see I'm engaged and cannot come," said O'Connell. "But it's pressing and important," was the reply. "I tell you I won't come," shouted O'Connell. Then at the top of his voice Tim yelled: "Will a small woman do as well, your honour?" The members of the Bar present, quite unaware of the previous conversation, laughed heartily, and it was a long while before O'Connell heard the last of the invidious construction they put upon the affair.

MR JUSTICE MURPHY, an Irish judge, used to relate the following story against himself. In his early days at the Bar he went Sessions in Limerick city and county. One day when in court, having skilfully conducted a case, he had just sat down with all his blushing honours thick upon him when there pushed past him a big burly Limerick farmer whose case was soon to be called. Addressing his solicitor, the excited agriculturist bluntly informed him that he "wanted a counsellor in his case." Asked whom he would have, he said: "Employ that yellow-skinned little devil who has just sat down." He did

not even know James Murphy's name, but he had seen enough of him to be satisfied with his choice, and he was not disappointed in the result.

LORD MORRIS and Killanin, when trying some farmers' sons charged with illegal drilling in Ireland, said: "There you go on with your marching and counter-marching, making fools of yourselves, when God and Nature intended you to be out in the fields picking potatoes!"

ON another occasion, in reply to the argument of an eloquent advocate that "the People" were in sympathy with certain offenders, he said, quite in the style of Dr Johnson: "I never knew a small town in Ireland that had not a blackguard in it who called himself 'the People'!"

WHEN the courts were sitting at Westminster all divorce cases were heard in what was known as the Lord Chancellor's Court. On one occasion one of the ushers, not very remarkable for his intelligence, was told to fetch for the use of the court a particular *Statute* of George IV. which had an important bearing on the case then being argued. Westminster Hall was, and is still, adorned with statues of monarchs, including one of George IV. The usher left the court, had a look at this particular statue, and on returning told the court that the statue required was very dirty, and very heavy, and that he would want some assistance to bring it into court!

SERJEANT HEYWOOD frequently rode the Northern Circuit, for he had a famous horse called "Pleader," upon whose death Jekyll wrote the following elegiac :—

ON PLEADER'S TOMB

Here lies a Pleader, who ne'er urged a plea,
A Circuiteer who never took a fee.
From Court to Court to serve his friends he'd go,
And though a mute, a firm support bestow ;
Through thick and thin, he'd surely keep his way,
Carry his client safe and win the day.
Pressed ever so by law, his course was straight,
He never sank nor fell beneath its weight.
Called to the *Bar*, he rose as though designed
To leave all other Barristers behind ;
And such assistance fav'ring fortune gave,
He'd every *motion* he could wish to have.

Our care it is, here to support his fame,
Report his merits, and *record* his name.
To tell the world a Pleader lies below
Who, by false steps or tricks, ne'er made a foe.
No petulant disputer, he would say
No contradictory word, but simply "*nay*."

Once on his legs, a sure and safe support,
He'd carry jury, witnesses, and Court!

MR OSWALD on one occasion, beginning his cross-examination of a very stout lady, asked her in the usual style where she lived. "Lewisham," was her reply. "But whereabouts is Lewisham," asked Oswald. "In St John's," was the reply. "But St John's is a district, isn't it ? You don't occupy the whole of the district, do you ? " inquired the irrepressible advocate, taking a cruel glance at the lady's proportions.

IN some old-time Courts of Quarter Sessions the injunction to "lay their heads together" had to be carried out by jurymen in literal fashion. When they began to consider their verdict they were supposed to dive beneath the level of the jury-box, and remain in that cramped position until a decision was reached. Meanwhile the court usher stood near the box armed with a long wand of willow. If any juryman ventured to emerge above the surface before the twelve minds were one, down came the wand on the head of the offender!

LORD CHIEF JUSTICE CLERK, when in pursuit of game one day, was passing through a turnip-field when he was hailed by the farmer to "come out o' that." His lordship, not liking to be addressed in this disrespectful way, asked the angry man if he knew to whom he was speaking. "No, I dinna," was the answer. "Well, I'm the Lord Justice Clerk." "I dinna care wha's clerk ye are; but ye'se come out among my neeps!"

SIR FRANK LOCKWOOD could extract fun even out of the most ordinary circumstances. A good example of this is an incident related by himself in a most amusing speech at a dinner after the Bar Point-to-Point races. It appeared that Lockwood had been welshed to the extent of a sovereign during the meeting. The bookie had just requested Lord Alverstone (the Lord Chief Justice) to have "something on," and the Lord Chief had laughingly

directed him to Lockwood as more likely to make a bet with him. From this basis Lockwood constructed a most amazing story in which he intimated that "the gentleman in the Tyrolese hat," as he called the welsher, had plotted with the Lord Chief to obtain his sovereign; he was not sure, but he was almost certain that he had seen them divide the spoil behind the grand-stand after the races!

MANY amusing stories are told of the Lawyer Volunteer Corps, how Erskine used to read the word of command from the back of a paper like a brief, and how Sir John Scott and Law (Lord Ellenborough) had to be dismissed from the awkward squad for sheer inability to learn the "goose step" or the proper handling of musket and bayonet. A wag once said that when the word "charge" was given every member of the corps produced a notebook and forthwith wrote down six-and-eightpence!

MR PLOWDEN, whose witticisms as a magistrate so often enlivened the proceedings at the Marylebone Police Court, was one day taking coffee in his club when a fellow-member remarked that hot coffee was not a good summer drink. "You should take cooling drinks," he advised. "Have you tried gin and ginger beer?" "No; but I've *tried* a number of men who have," replied Mr Plowden drily.

AS is well known, in Scotland a chieftain is always addressed by the name of his estate. An amusing story in connection with this custom is told of Sir Frank Lockwood. On one occasion when Maclaine of Lochbuie and his wife arrived at a social gathering, they were announced quite correctly by the butler as "Lochbuie and Mrs Maclaine." Sir Frank and Lady Lockwood happened to arrive at the same time, and Sir Frank, having overheard the other announcement, whispered hurriedly to the butler. The man hesitated, but apparently Lockwood convinced him, for when he flung open the door to admit the Lockwoods the butler announced: "Number Forty-three Portman Square and Lady Lockwood!"

THE repulsive-looking, hearse-like van used for the conveyance of prisoners is universally known as the "Black Maria." The term originated in America. When that country was filling with immigrants from England, a negress named Maria Lee kept a sailors' boarding-house in Boston. She was a woman of Amazonian strength, and helped the authorities to keep the peace. Frequently the constables invoked her aid, and the saying: "Send for Black Maria," came to mean: "Take him to prison." The sailors returning to England frequently used the phrase, and so in the course of time the name of Maria Lee, shortened and altered to Black Maria, became the name of the prison-van, and remains so to this day.

A VERY curious point was once raised concerning juries. When Horne Tooke was arraigned on a charge of treason the old formula read that he would be tried by "his God and his country"; but Tooke raised an objection, claiming that he must be tried by God as well as his country, and that only his country was represented in court! Needless to say, the objection was not allowed.

MR FOOTE, K.C., tells in his "Pie-Powder" a good story anent the Devon Quarter Sessions some years ago. In the second court the chair was generally taken by a prebendary, somewhat advanced in years, of blameless life and prebendarial reputation. One day he was being addressed by a junior barrister (who was not the possessor of such a blameless record) in an appeal against a bastardy order. "You and I, sir, as men of the world, know how difficult it is to refute a charge of this description!" The reverend chairman clutched the arms of his chair convulsively, but restrained himself like a man, and eventually dismissed the appeal with dignity, though not on the grounds suggested by the learned counsel.

EDWARD BULLEN was for many years one of the most conspicuous personalities on the Western Circuit. He had the happy knack of reducing a hostile witness to insignificance and overwhelming his opponent with banter rather than bluster. "*Don't answer me, sir!*" he once exclaimed to a victim under cross-examination, much to the amusement of both judge and jury.

MR JUSTICE GROVE was an eminent scientist as well as judge. Once when trying a gang of coiners on circuit, Grove listened patiently, but with an amused smile, to a policeman describing the use to which an implement of the coiner's art which he had captured had been put by them. He expatiated on the value of it to coiners from the smallness of its size, characterising it from the point of view of the Queen's Revenue as "the most mischievous thing that was ever made. I believe, my lord," he added, "they call it *a Grove battery*!"

IN Mr Justice Day's time the treadmill was still used for the punishment of prisoners, and Sir John Day, while on circuit in the north, determined to find out for himself what the punishment was like. Accordingly, he mounted a treadmill, and soon had quite enough of the experience. When he asked to be set free, however, the warder in charge pretended not to hear him, and when the judge was released beads of perspiration stood on his brow.

A NOVEL and hardly dignified incident occurred recently at the Devon Assizes at Exeter. Upon the rising of the court one of the jurymen asked to be excused from further attendance as he came from Winkleigh—thirty miles away—and had important business to attend to. Mr Justice Ridley granted the relief asked for, whereupon there was a chorus of applications from the other jurymen. After consulting with the Clerk of Assize, his lordship

said he could release half of the twelve jurymen, and suggested that they should draw lots to decide who should go. A juror suggested they should toss for it, and that course was decided on, the six jurors in the front row having a spin of the coin with the six jurors in the back row.

MR JUSTICE ROWLATT, when presiding in the Crown Court at the Liverpool Assizes, referred on one occasion to the trouble involved in persuading witnesses to speak up. "If they refuse," he said, "to use the voice which God has given them, I shall have to put them up in the gallery, where they will be obliged to speak out. The public are here to hear prisoners tried, and they have a perfect right to hear all the evidence."

IN the case "Dallimore *v.* Williams" against the Secretary of a Union, tried by Mr Justice Darling, a witness who was a *Musician* was cross-examined by Sir Frederick Low, K.C., who said: "That, sir, is not the point." Said the witness: "I think it is, but you don't see my point." "I see *the* point at all events," replied Sir Frederick Low. "Yes, Sir Frederick," said Mr Justice Darling, "I think you do, but you don't appreciate his *counter-point*," a *bon mot* much appreciated by all the musicians and the musical members of the Bar.

AT Lambeth Police Court one woman was casting a slur on the moral character of another when her antagonist retorted: "You wicked woman, *I'm the mother of sixteen children*!" The statement

was unanimously accepted as proof that she could not have had time for any wrong-doing.

A STORY is told of Lord Justice Kay of a type too rare in forensic annals. A consultation was being held in his chambers in a suit in which many different interests had to be represented. It was not a specially difficult case, but as the estate was large the fees were in proportion rather to the fund out of which they were to be provided than to the complication of the questions involved. In the middle of the consultation Kay sent for his clerk. "How much is marked on my brief?" he asked. The clerk mentioned the sum. "Far too high!" said the conscientious leader, and he told the clerk to put down about a third of the amount. As this involved a corresponding reduction in the fees of the other counsel, they did not regard their leader's high principles with unmixed approbation.

MR JUSTICE SCRUTTON, when a guest at the City of London Solicitors' Company dinner, indulged in a jest at the expense of the newly formed company which none of its members failed to enjoy. He solemnly informed them that when the City of London Solicitors' Company was started a malicious rumour reached his ears that it was to be affiliated to the *Skinners'* Company!

SIR RUFUS ISAACS, Lord Chief Justice, was one of the finest cross-examiners at the Bar. Not long ago a surgeon whom he had cross-examined said to him: "I dreamed about you last night,

Mr Isaacs; you have been a nightmare to me. I have hardly slept since you let me out of the box on Friday. I dreamed you had examined me, *and I seemed to have nothing on except bones* ! "

SIR RICHARD BETHELL from his earliest days adopted the principle: "Never give in to a judge." On one occasion he said to Lord Justice Knight-Bruce, whose discursive and impatient habits he objected to: "Your lordship will hear my client's case first, and if your lordship thinks it right, your lordship can express surprise afterwards."

NO two judges were more unlike in person than Lord Justice James and his colleague for five years on the Bench of the Court of Appeal in Chancery—Lord Justice Mellish. Upon the first day of Michaelmas Term the Lord Justices wear their full-dress robes, which, by a modification of the Chancellor's, are of black silk, thickly laced with gold. So narrow were the shoulders of Mellish that his robes sat on him as on a towel-horse, and so little of the gold was visible that they might have been all black. On the other hand, the ample shoulders of Lord Justice James made a blazing display, so that the disrespectful were apt to compare him to the gorgeous frog, while another illustration from the animal kingdom likened his colleague to an obscure lizard.

SOME years ago, when a great scandal had arisen in a public school, Mr Justice Denman took the strong step, with the consent of counsel on both sides,

of hearing the case *in camera*. Several legal purists protested against the course taken, but the general feeling was in favour of the judge, whose decision, fully reported in the newspapers, was, it is said, so artistically expressed that it gave no indication of the real character of the issues in the action.

MR JUSTICE HAWKINS being asked at a public banquet to make a speech, refused, but said he would not be unwilling to propose the toast of an old and valued friend. His offer was accepted, and the company settled down to hear something out of the common. Hawkins rose, bowed to the company, and raising his glass said, "*Gentlemen, I drink to the Lands Clauses Act*," and then sat down. It should be mentioned that that Act of Parliament necessitated many remunerative arbitrations in which the judge had been engaged.

SIR ROBERT PHILLIMORE, the last of the judges of the High Court of Admiralty, once decided, in the case of "Jenkins *v.* Cook," that a Bristol gentleman who had an expurgated edition of the Bible in his house for family use, and would not state that he believed in the devil, must be excluded from the Sacrament, as "an open and notorious evil liver"; however, the Judicial Committee disagreed with him, as in many other cases.

IT is related of a certain judge that he once exclaimed: "Really, I cannot have all this noise in court. I have been obliged to decide the last three cases without hearing any of the evidence!"

SERJEANT WILDE was once counsel for the County Insurance Company in resisting a fraudulent claim made by a Jew furrier for the amount of his insurance on his house and stock, which had been destroyed by fire. The case was looking very healthy for the Jew, the Serjeant having been able to do very little for the Company in the cross-examination of the Hebrew witnesses, who swore that there were fifty real sable muffs in boxes in the shop; until the plaintiff's counsel called as a witness a nice-looking girl who, after stating that she had been in the Jew's employment in the shop for two or three years, was asked every possible question except about the muffs, which constituted the chief part of the Jew's claim for the value of the stock destroyed. The Serjeant, observing this, kindly asked her in her cross-examination what had been the nature of her employment in the shop. "To sew in linings to the muffs and other articles," was her reply. Then, continuing his suave way of interrogation, he said: "So you mean to say there was not a sable muff in one of the fifty boxes. How do you know that fact?" asked the Serjeant. She answered: "Having been called away, I stuck my large needle hastily into one of the boxes. On my return, finding that the needle had slipped through into the box, I pulled the lid off, and saw to my surprise that there was no muff in it." "And how," asked the Serjeant, "did you know about the contents of the other boxes?" "Oh, sir," replied the girl, "I had the curiosity, whilst the shop people were gone to dinner, to open the next, and the next, and

the next, and in succession the whole of the boxes, and not a muff was there in any of them." This evidence came upon the court with so much surprise that the judge said to the plaintiff's counsel: "Surely you will not go on with this case after such evidence?" The Jew's counsel submitted to a non-suit, much to the gratification of the Serjeant.

LORD MORRIS when permanent head of the Irish Justiciary had a great regard for the independence of the Irish Bench, which he was never betrayed into forgetting himself, or allowing others to do so. With any unwarrantable liberties or interference he was impatient. A good story is told of his reception of a distinguished Treasury Official, who, after a long correspondence on the part of the Department, was sent over to inquire into the expenditure of fuel in the courts and judges' chambers. The Chief Justice received him politely and asked him to sit down, and after listening with patience and attention to his complaint, said he would put him in communication with the proper person. He then got up and rang the bell; when his clerk appeared, he said as he left the room: "*Tell Mary the man has called about the coals.*"

CARTER, a well-known barrister on the Western Circuit, had a very bitter tongue and gloried in the unconventional violence of his language. "Mr Carter—you are wasting the time of the Court," said Lord Justice Blackburn once to him at

Bodmin. "Time of the Court!" retorted Carter, glaring fiercely at the Bench, "your lordship means —your lordship's dinner!"

"REALLY, witness," Lord Ellenborough once remarked to a bricklayer whose clothes bore unmistakable signs of his calling, "when you have to appear before this Court it is your bounden duty to be more clean and decent in your appearance." "Upon my life, if your lordship comes to that, I'm thinking I'm every bit as well dressed as your lordship," he replied. "How do you mean, fellow?" demanded Lord Ellenborough. "Why, faith!" said the bricklayer, "you come here in your working clothes and I come in mine."

SIR FLETCHER NORTON—afterwards Baron Grantley—in cross-examining a sailor said: "You affect to be a very clever fellow, quite a wit!" "To be sure I do," replied the sailor; "I am quite an educated one." "*You*, well educated! Why, where," asked Sir Fletcher, "were you educated?" "At the university," answered the sailor. "University! At what university could you be educated at?" "Why," replied the sailor, "at the university you were expelled from for your impudence—Billingsgate."

AN Irish counsel named Byrne was always in impecunious circumstances despite his legal eloquence, but the lack of a balance at his bankers never troubled him. On one occasion he took Chief

Justice Whiteside to see his new home in Dublin, which he had furnished in sumptuous style. "Don't you think I deserve great credit for this?" he asked at length. "Yes," retorted the Chief Justice, "*and you appear to have got it.*"

LORD HERMISTON was so great a believer in the virtues of Bacchus that he once burst out in open court with: "Good God, my laards, if the prisoner murdered his friend when drunk, what would he do *when he was sober*?"

LORD CAMPBELL'S anecdotes were not always remarkable either for their novelty or accuracy, or for any scrupulous care as to whether they were attributed to the rightful claimant. "Who could be Lord Campbell's authority for that story?" was once asked. "Oh," was the reply, "it was a distortion of one of old —— lies. The Chief Justice is very fond of *re*lying on him!"

SERJEANT WILDE set the bad example of long speeches on the Western Circuit. It is said that after a terrifically long speech from Crowder —afterwards Mr Justice Crowder—a Somersetshire juryman was heard to tax his foreman with having gone to sleep under the infliction. "You be a liar," quoth the latter in his wrath. "I can stand as much of Crowder as any man. I've sarved [*i.e.* suffered] in Serjeant Wilde's time!"

THE following scathing saying, attributed to Lord Abinger, was long current in legal circles. When Garrow became a Baron of the Exchequer, Scarlett is reported as saying: "That Court now consists of four judges, one of whom—Graham—is a gentleman but no lawyer; another—Hullock—a lawyer but no gentleman; a third—Chief Baron Richardson—who is both; and a fourth—Garrow—who is neither!"

LORD NORBURY—Chief Justice of Ireland—who was commonly known as "the hanging judge"—spared not his coarse jests to dying men. "Ah! my lord, give me a long day!" implored a prisoner sentenced to death on a certain 20th of June. "Your wish is granted," said Lord Norbury with a leer. "I will give you until to-morrow—the longest day in the year!"

AT a circuit dinner one day a barrister was relating some shooting stories, and wound up by stating that he had once shot thirty-one hares before breakfast. "I don't doubt it, sir," remarked Lord Norbury, "but you must have been firing at a wig."

SERJEANT DAVY, who was on occasions extremely witty, once remarked that the farther he went to the West (of England) he was the more convinced that the wise men came from the East.

THE day Lord O'Brien of Kilfenora—afterwards Chief Justice of Ireland—was called to the Bar, he was entrusted with a brief by Mr Roche, a Dublin solicitor. Mr O'Brien had to make an application of a very ordinary kind—namely, to ask the judge to make a consent a rule of Court—but notwithstanding the simple nature of the task, the future Chief Justice was so flurried that he rose to speak from within the Bar (the seats reserved for King's Counsel), and when he was on his legs, his power of speech deserted him. "Who is this?" growled the judge, staring at the new-comer, "and what does he want?" "I don't know who he is, or what he wants," answered the registrar, who, coming forward, snatched the brief from the petrified barrister. "It's all right, you can go," said the registrar, adding in an undertone: "You ought to get on, called to the Bar, and taking silk both on the same day!"

IN a trial in the Appeal Court a model of some complication was exhibited, and the judges left the Bench to inspect it. Later on an usher was heard to observe: "I don't know what things are coming to here. I shall have to resign my place. Their lordships this morning came down into the well of the court pit as if they were petty solicitors!"

BARON BRAMWELL used to relate how, when a ruffianly prisoner in the north of England had been convicted before him of an atrocious assault, he had begun to address to him the usual commentary

upon the offence, with which it is customary to preface a serious criminal sentence. When he had spoken a few words, the convict interrupted him with the abrupt question: "How much?" "Eight years," answered Bramwell, without saying another word.

IT is recorded of a certain judge that on one occasion both he and another learned judge who sat with him slept throughout the entire afternoon, only awaking at the conclusion of the arguments to adjourn the case for further consideration and re-argument!

LORD MONBODDO—a Scottish judge—was devoted to horses. A stupid farrier whom he had allowed to "vet" his favourite, killed it. He sued the farrier for its value, and himself with much and lengthy learning pleaded his cause. He lost, and calling his brethren "superannuated jackasses," never sat among them again, but migrated to a lower table in the body of the court.

BARON MARTIN after pronouncing a severe sentence in court would sometimes modify it in favour of the prisoner before signing the charge-sheet. Once when a sentence of death had been pronounced by another judge who went circuit with him, Baron Martin persuaded his learned brother that the prisoner ought not to be hanged, and settled with him a letter to that effect, which he caused to be written out and despatched to the Home Secretary before he would dine.

ON another occasion a miserable creature who had committed some trifling offence was brought before Baron Martin on circuit and sentenced to three days' imprisonment, which meant immediate release. The judge, struck by his wretched demeanour, sent round to know whether he had any money, and on hearing that he was penniless, made the culprit whom he had just sentenced a present of ten pounds.

IN an Irish case, interest on a promissory note was claimed "from the issue of the writ until the Day of Judgment." It was argued that nothing was due until that event happened; but the Court held that what was meant was the day or date of judgment, which was well within their control, and had indeed arrived.

BARON PARKE in answering a letter of congratulation on his appointment to the Bench, wrote: "To my mind the task of finding truth is much more agreeable than that of finding arguments."

LORD ELLENBOROUGH possessed great power of sarcasm. On one occasion Lord Westmoreland was on his legs in the House of Lords, giving his opinion on the question in debate, and in the course of his remarks said: "My lords, at this point I asked myself a question," on which Lord Ellenborough in a loud aside said: "And a damned stupid answer you'll be sure to get!"

WILLIAM COBBETT, whose tongue was a peculiarly unruly member, had been discussing a young attorney of influential connections. The lawyer promptly brought an action against Cobbett for libel, and retained a very strong Bar. Cobbett as usual conducted his case in person. The plaintiff's counsel made an eloquent harangue, explaining to the jury how impossible it was to estimate the amount of injury "this virulent and systematic libeller" had inflicted on his client. The violent calumnies heaped upon him had blasted all his fair prospects, and well-nigh broken his heart, therefore a corresponding amount of damages, etc., etc. Whereupon up got Cobbett, and with an expressive wink at the jury began: "Gentlemen, you are men of the world, and must be laughing in your sleeves at the flummery you have just heard. You know that such stuff about injury to character, blasting one's prospects, injury to one's peace of mind, is to be heard in this court every hour of the day. The lawyer who has just been vilifying me would do the same to you, gentlemen, if he were paid for it. These fellows in wigs are always at the service of the highest bidder. And yet, gentlemen, they make it a great crime in me to have tried to crush *a lawyer in the egg*."

"I CAN never understand," once remarked Mr Justice Williams, "why counsel will always try to convince their opponents. They are paid *not* to be convinced."

SOME extraordinary observations were made some years ago by one of the then Queen's Bench judges. At an assize town within a few miles of London a prisoner was put on trial before him charged with assaulting a girl and attempting to commit suicide. Having sentenced him to several months' imprisonment for the first offence, the learned judge inflicted upon him another term to run concurrently with the other, for having tried to destroy his own life, and addressed the prisoner in the following terms :—" I am compelled to punish you for having attempted to put an end to your existence, although the world would not have had any cause to miss you if you had carried out your intention. If, after you have served your term of imprisonment, you still have any desire to rid the world of your presence, I would only ask you not to bungle, but to do it properly."

SHORTLY after Lord Mansfield became Chief Justice a learned counsel took up much time of the Court in citing several black-letter cases to show the true construction to be put on an old woman's will. Lord Mansfield heard him to the close of his argument, and then addressed him gravely : " Pray, sir, do you think it is anyways likely that this old woman ever heard of these cases. And if not, what construction do you think common-sense points to ? " He then decided for common-sense !

OUTSIDE the Four Courts in Dublin, a poor woman once stopped Daniel O'Connell, saying : " If you please, your honour, will you direct me to

an honest attorney?" The liberator pushed back his wig and scratched his head. "Well, now, you beat me entirely, ma'am," was his answer.

THE etiquette of the Bar sometimes gives rise to ludicrous incidents. It is essential, for instance, to his *locus standi* that a barrister should be wearing wig and gown. In the Divorce Court on one occasion Mr Justice Barnes refused to "see" Mr Bargrave Deane (now Mr Justice Bargrave Deane) because he was without these emblems of professional dignity. He had hurriedly entered the court on some small errand, to find that the date of hearing an important case in which he was briefed was under discussion. On a momentary impulse Bargrave Deane, wishing to correct a misstatement, began to address the judge, but his lordship at once stopped him with the remark: "You're invisible to me, Mr Deane," preserving all the time the only grave countenance in court.

IT is recorded that a jury of English rustics trying a man for the murder of his wife became much confused by the judge telling them that upon the same indictment, if not satisfied as to the capital crime having been committed, they could find the prisoner guilty of manslaughter, just as they could on an indictment for child murder find a woman guilty of concealing the birth. After deliberating a long time, the jury found the prisoner guilty of *concealing the birth of the deceased woman*!

A TRALEE juror on being challenged by mistake by the prisoner's counsel called out indignantly: "What d'ye mane? Sure I was for ye!"

LONDON juries were formerly a byword for prejudice and corruption. Stow records that many jurymen of the city were persecuted in his time by being marched through the streets with a paper fastened on their heads stating that they had been tampered with by the parties to the suit; whilst in much later times a Bishop of London declared "that London juries were so prejudiced that they would find Abel guilty of murdering Cain."

JURYMEN in spite of all their grievances are well guarded by the law. Mr Oswald mentions a case in which the brother of a prisoner who had been convicted, went to the residence of the foreman of the jury, accused him of having bullied the other occupants of the box into a verdict of guilty, and challenged him to mortal combat. For this fraternal but indiscreet act he was sentenced to a month's imprisonment.

EVEN a barrister is not permitted to abuse a juryman. The foreman of a jury in a criminal case interrupted the counsel for the prisoner once or twice during the examination of the witnesses. "I thank God," said the learned gentleman when he came to address the jury, "that there is more than one juryman to determine whether the prisoner stole the property, for if there were only one, and

that one the foreman, from what has transpired to-day there is no doubt what the result would be." This observation was treated as contempt of court, and the angry and learned gentleman had to pay a fine of twenty pounds.

LORD CHIEF JUSTICE BUSHE once mentioned a most extraordinarily perverse verdict returned in Ireland. After the rebellion of 1798 an amnesty was passed granting pardon for all crimes committed during that period, murder alone excepted. Bushe, then at the Bar, was engaged as counsel for a prisoner at the Wexford Assizes. The man was indicted for the murder of a yeoman of the name of James White, and the case came on before Sir Michael Smith, then a Baron of the Exchequer. Two witnesses were examined to sustain the prosecution who proved that the prisoner had been engaged in the rebellion, and that they saw him kill White with a pike. When the case for the Crown was closed, and a certain conviction anticipated, Mr Bushe, for the prisoner, said he had one witness, and only one, but upon his evidence he should confidently look for an acquittal. He then placed James White—the yeoman—in the witness-box, who swore positively that he was alive, and had never been killed by a pike, or otherwise! The judge very naturally considering the case at an end left it to the jury to pronounce their verdict, and after due deliberation they returned one, finding the prisoner "guilty." "Guilty!" exclaimed the astonished judge. "How can you convict a man of murder when

the person alleged to have been killed is alive and in court looking at you ?" "Oh, my lord !" said the foreman, "the prisoner ruined a grey horse of mine, one of the finest in the kingdom, and as under the indemnity he will escape punishment for that, we are determined to hang him on the charge of murder." Needless to relate, they were disappointed in their determination.

WILLIAM ANGUS was a well-known advocate at the Scottish Bar. He happened on one occasion to be pleading before a judge who, when at the Bar, was famous for lapses into the fictitious both in statement and law, and would try to trip counsel. "Mr Angus," said the judge, "is this the fact ? Is it the law ? All seems strange to me." "Truth, my lord," said Angus mildly, "must be stranger than fiction to your lordship !"

SERJEANT HILL was distinguished for his manly and respectful bearing towards the Court. Seeing the plaintiff in an action in which he was counsel for the defendant, sitting beside the judge on the Bench, he rose and declared "that he would not proceed while the indecent spectacle continued of a party sitting beside a judge who was about to try his case."

LORD ELDON used to enjoy telling the following Northern Circuit story. While Sir Thomas Davenport, a very dull orator, was making a long speech at the York Assizes, a chimney-sweeper boy who had climbed up to a dangerous place in front of

a high gallery, having fallen asleep, fell down and was killed. Whereupon Lord Eldon, being then Attorney-General of the circuit, indicted Sir Thomas in the Grand Court (a court held with a view to the discipline of the Bar, but chiefly to bring mock charges against the members) for the murder of the boy, and the indictment (according to the rule of law which requires that the weapon shall be described and that there shall be no averment of its value, or that it is of *no value*) alleged that the murder was committed with a certain blunt instrument of *no value* called A LONG SPEECH!

LORD ELDON was constantly accused of lack of attention when on the Bench. It is said that traps were sometimes laid for him to prove his want of attention to the arguments. A junior about to repeat an argument for the fifth time would say: "Now, my lord, I am about to venture upon a new view of the case which may perhaps be deserving of consideration," when the Chancellor, having laid aside his pen for a time, would say: "That new view of the case does deserve, and shall receive, consideration."

BARON MARTIN was a judge who took great pride in getting rapidly through his work, and had a hatred for the tedious tribe of interpreters who often made sad mistranslations. Once, when a Spanish sailor was being tried before him, he allowed his distaste for the delay caused by unskilful interpretation to lead him into an exceptionally high-handed proceeding. When the interpreter had already occupied much valuable time with no ade-

quate result, the judge at last said: "Mr Interpreter, tell the prisoner that he has got Mr M'C. to prosecute him, and Mr T. to defend him, and that I am the judge, and this is the jury that will try him." The interpreter managed to make the prisoner understand so much. Then the judge said: "Stand down, Mr Interpreter," and proceeded to hear the case in English, pure and simple.

THERE is an old story that on the evening of the Coronation Day of Queen Victoria the Benchers of Lincoln's Inn gave the students a dinner. The students were apparently not satisfied with the drinking arrangements as to quantity. One of them in giving out a verse of the National Anthem, which he was solicited to lead in a solo, took that opportunity of stating the grievance as to the modicum of Port allowed in the following manner:—

"Happy and glorious,
Three half-pints 'mong four of us,
Heaven send no more of us,
God save the Queen."

ON one occasion at the Old Bailey, when Mr Justice Cresswell took his seat, Serjeant Ballantine made an application for a case to stand over till the following Friday. "Do you expect, Mr Ballantine, that her Majesty's judges should come here for your convenience?" "Oh, my lord," replied Ballantine, "I should not have ventured to think of such a thing, but as your lordship is kind enough to suggest it——" Cresswell smiled and spoke to his brother judge: "Well, then, be it so," he said.

A YOUNG barrister once appealed to Lord Lyndhurst, when he as Lord Chief Baron was presiding in the Crown Court at Maidstone, to put off a case as his wig had miscarried. "Well," said his lordship, "I do not think your wisdom consists in your wig, but if it does not inconvenience anyone it can be postponed, or try your luck without one, if it does."

MR MICHAEL M'CARTAN, a well-known solicitor in County Down, had a fine store of anecdotes; the following is perhaps the best. On one occasion he was defending a man named M'Gladdery, at Petty Sessions, who was charged by the police with owning a dog for which he had no licence. The evidence was as clear as daylight, and the justices had no option but to impose a fine. Just as they were announcing their intention of doing so a man rose up in the body of the court and said: "Yir 'anner, yir finin' the wrong man entirely; that dog belongs to my brother-in-law, and this man that yir finin' is my father-in-law. But rather than inform on the husband iv my only sister, I'll pay the fine myself." He then put his hand in his pocket with a great show of eagerness. The justices called him into the witness-box and examined him; but he stuck tenaciously to the story that the man in the dock was his father-in-law, and that the owner of the dog was his brother-in-law. The justices were so impressed by the man's earnestness and apparent candour that they changed their minds and inflicted no fine on M'Gladdery. After the case was

over Mr M'Cartan, who had witnessed the unexpected episode in a state of amazement, asked his client, M'Gladdery, privately what was the real meaning of the witness's evidence. "Well, ye see, sir," said M'Gladdery, "the man wuz tellin' the honest truth. About five years ago he married my daughter; so I'm his father-in-law true enough. Last year my poor wife died, and in October last I wuz married a second time—to his sister; so ye see I'm his brother-in-law as well!"

AN amusing story is told of Lord St Leonards, who when Lord Chancellor of Ireland was fond of visiting lunatic asylums. The Lord Chancellor made an arrangement with Sir Philip Crampton, the Surgeon-General, to visit without any previous intimation a private lunatic asylum at Finglas, near Dublin. Some wag wrote to the asylum that a patient would be sent there that day, "a smart little man who thought himself one of the judges or some great person of that sort," and he was to be detained by them. The doctor was out when the Lord Chancellor arrived. He was very talkative, but the keepers humoured him and answered all his questions. He inquired if the Surgeon-General had come. The keeper replied: "No; but he is expected immediately." "Then I shall inspect some of the rooms till he arrives," said the Lord Chancellor. "Oh, sir," replied the man, "we could not permit that at all." "Well, then, I will walk awhile in the garden." "We cannot let you go there either," said the keeper. "What!"

said he, "don't you know that I am the Lord Chancellor?" "We have four Lord Chancellors here already!" was the reply. He got enraged, when luckily Sir Philip Crampton arrived. "Has the Lord Chancellor come yet?" said he. The man burst out laughing, and said: "Yes, sir, we have him safe; but he threatens to be the most violent patient in the house!"

NOWADAYS all judges of the High Court are designated "my lord." Formerly the designation was confined strictly to the Lord Chancellor, the three "Chiefs" and the puisne judges of the King's Bench, Common Pleas and Exchequer. Even the Vice-Chancellor—though greater persons in some respects than their common-law brethren—were at first nothing more than "your honour." Some old-fashioned lawyer went the length of contending that sitting "*in banco*" a judge of the High Court was not "my lord." Such was the view of Mr Serjeant Williams, father of Sir Edward Vaughan Williams, and the grandfather of Lord Justice Vaughan Williams. It is recorded that when interrupted in the course of his argument by a question from a puisne judge, he would say: "Sir, I will answer your observations after I have replied to 'my lord.'"

A VERY pointed allusion to Lord Chief Justice Coleridge's habit of sleeping on the Bench was once made in the Court of Appeal in a case which Mr Justice Mathew had tried with him. "This, my

lords, is an appeal from a decision of Mr Justice Mathew," said a counsel for the appellant. "You mean a decision of the Lord Chief Justice and Mr Justice Mathew," observed Lord Esher. "No; I mean a decision of Mr Justice Mathew," insisted counsel. "There is something wrong here. The Lord Chief Justice's name, as well as that of Mr Justice Mathew, appears on the papers," Lord Esher explained. "Oh, my lord, I don't deny the Lord Chief Justice was present," replied the daring advocate. "Go on," exclaimed Lord Esher, not without the suggestion of a smile upon his countenance.

ONE reason why Mr Oswald, K.C., was not exactly a *persona grata* to the Chancery judges in his early days, was that he was wont to treat them rhetorically. "You are surely not appealing to my charity," observed Mr Justice Chitty while Oswald was pathetically arguing a "hard case." "Certainly not, m'lord; I should not for one moment think of doing that," was the audacious reply, at which even Mr Justice Chitty was compelled to laugh.

A PRISONER, being called upon to plead to an indictment for larceny, was told by the clerk of arraigns to hold up his right hand. The man immediately held up his left hand. "Hold up your *right* hand," said the clerk. "Please, your honour," said the prisoner, still keeping up his left hand, "*I am left-handed.*"

LORD CHIEF JUSTICE COLERIDGE was once more than astonished at the answer of a witness. A labouring man was being cross-examined about a fatal accident which befell a man on board a ship in dock. A model of the vessel was in the centre of the court, and the witness was explaining by means of it how the accident happened. "Would the motion of that pole be sufficient to knock down a man standing by the side?" asked the Lord Chief Justice. "My dear sir, *you just try it*," was the somewhat unusual reply, which caused the Chief's eyebrows to rise, and the features of those in court to relax.

MR J. H. M. CAMPBELL, K.C., when Solicitor-General for Ireland appeared for the plaintiff in a breach of promise case. Mr T. M. Healy, K.C., in cross-examining the fair lady, asked her what works of literature she most affected. "What books—novels?" The plaintiff replied that she had never read a novel in her life. "What!" said Mr Healy; "not even *The Family Herald*?" "Or *The Nation*?" interposed Mr Campbell; "or any of *these works of fiction*?"

SIR FRANK LOCKWOOD'S impromptus were invariably ready for the occasion. One day a director of some doubtful company was being cross-examined. He was giving evidence bearing upon a rather shady history when Lockwood put the question to the promoting director: "Now tell me, sir, when did you first determine to float this company?" "Float this company?" asked the

witness with some surprise. "I don't know what you mean by 'floating' the company." "Very well, then," rejoined Sir Frank, "I will make my meaning perfectly clear. By floating the company, I refer to the operation which almost invariably precedes the 'sinking' of a company. Do you understand me now?" This illustration evidently impressed the witness sufficiently, and during the remainder of his evidence he was disconcerted to such a degree that he fell an easy victim to the skill of the experienced lawyer.

MR JUSTICE J. C. LAWRANCE (Long Lawrance) on one occasion at the Manchester Assizes passed a sentence of one hundred and fifty lashes with the cat-o'-nine-tails, in addition to eighteen months' imprisonment, on an iron-worker convicted of robbery with violence. On the following day, however, the judge admitted that this sentence was "perhaps a little too severe" and had the man brought before him again. The flogging was then reduced from one hundred and fifty lashes in three instalments to fifty lashes in two instalments.

MR SHEIL once perpetrated a choice bit of unconscious humour at Westminster Police Court. A man was brought before him charged with shooting with a gun at his brother. "Had there been any ill-will between you and your brother?" asked Mr Sheil of the prisoner. On receiving an answer in the negative, he remarked: "A person who points a gun at another *without intending to shoot* deserves to be well flogged."

LORD WESTBURY on one occasion got the worst of an argument with Bishop Wilberforce. He had an argument with that Bishop upon the eternity of future punishment, in which he was pulling to pieces that dogma with great vehemence and some success when the Bishop blandly interposed with: "I must really decline to discuss that question, because you are an interested party."

LORD CRANWORTH when Lord Chancellor was no match for Sir Richard Bethell, who delighted in making his superiority felt. In a case argued by Bethell before Lord Cranworth the question was, whether the tenant for life of a West Indian estate was bound to keep up a sugar-cane plantation which was admittedly a loss. It was a difficult question and there was no precedent. Bethell was arguing with his accustomed force, drawing refined analogies from Roman Law, when the Chancellor, evidently out of his depth, bent forward and remarked with great urbanity: "I really cannot understand your argument." The great advocate deliberately stared him in the face, and lisped out in the simpering tone of impertinence characteristic of him: "My lord, I am not surprised, but I cannot help it." The Chancellor fell back dumbfounded and beaten.

SCARLETT'S methods in criminal cases were not always commendable. In a case in which he defended a gentleman of rank and of fortune against an odious charge he ostentatiously took up

his papers immediately the judge concluded his summing up, and, glancing at the jury with a smiling face, said loudly enough to be generally heard, that, having an engagement to keep, there was no occasion for him to await the inevitable verdict of acquittal. He retired deliberately, bowing to the judge. One of the juniors for the prosecution, having occasion to leave the court while the jury were considering their verdict, found Scarlett behind the door, trembling with anxiety, his face as white as his brief, and awaiting the result of "the clearest case in the world" in breathless suspense!

CURRAN'S rejoinder to a venal judge, who in his early days at the Bar remarked, "I suspect your law library is rather contracted," was singularly dignified. "It is very true, my lord, that I am poor, and the circumstance has somewhat contracted my library. My books are not numerous, but they are select, and I hope they have been perused with proper disposition. I have prepared myself for this high profession rather by the study of a few good books than by the composition of a great many bad ones. I am not ashamed of my poverty; but I should be ashamed of my wealth could I have stooped to acquire it by servility and corruption. If I rise not to rank, I shall at least be honest, and should I ever cease to be so, many an example shows me that an ill-gained elevation, by making me the more conspicuous, would only make me the more universally and more notoriously contemptible!"

BARON SMITH of the Irish Exchequer was a judge who had a great idea of the dignity of his position, and who visited heavily any offender guilty in his court of the slightest violation of the dignity of the Bench. A humorous instance of this occurred with a jury of which ex-Judge Day happened to be the foreman. At a late hour in the evening the members of the Grand Jury retired to dine with the High Sheriff, thinking that the judge could have no further occasion for their services. Shortly after, he asked for the jury, and on being informed that they had left the court, expressed his displeasure at their conduct, and ordered that they should be instantly summoned. Messengers were despatched to the High Sheriff's, where the party were just seated at dinner. Ex-Judge Day arose with alacrity, declaring he felt anxious to show his respect for that Bench of which he had himself been once a member. The jury reached the court-house in breathless haste. When assembled in the box, ready to receive his lordship's commands, he politely observed: "Gentlemen, I dismiss you for the night!"

THE same judge—Baron Smith—once punished a breach of respect of a different character. A country magistrate, defendant in an action for false imprisonment accompanied with many aggravating circumstances, seated himself during the trial opposite Baron Smith, and amused himself by laughing loudly whenever any fresh fact was proved against him. At last, a magisterial act of his,

peculiar for its impropriety, being sworn to, he laughed more heartily than ever. Incensed at his impertinent behaviour, his lordship, bending over the bench, observed: "Since, sir, reflection on your guilty actions disposes you to merriment, I congratulate you on having within your own person an everlasting source of entertainment!"

ONCE when Mr Marryat—a well-known lawyer—was addressing a jury, he was speaking of a chimney on fire, and exclaimed: "Gentlemen, the chimney took fire; it poured forth volumes of smoke—*volumes*, did I say?—why, *whole encyclopædias*!"

IT is said of Lord Westbury that once when his horse bolted he put his head out of the carriage window and said to his coachman: "*Run into something cheap.*"

LORD WESTBURY was of frugal and almost parsimonious habits. When he was making an enormous income at the Bar, the mantelpiece in his chambers always displayed a little pile of fourpenny pieces, two of which made up the statutory fare of the hackney-coach which drew him from Lincoln's Inn to Westminster.

SIR GEORGE ROSE, the witty Master in Chancery, first commended himself to attorneys by his wit as a punning judge. "Do you not see, gentlemen," Rose said to the jury, "that my lord,

before trying my client, has tried a joke, *and reserved the point*?" On another occasion he was condoling with a friend who had suffered terribly from *mal de mer* while on his way to take up a colonial judgeship. "It was a mercy," said Sir George, "that you did not throw up your appointment!"

LORD CHIEF JUSTICE JERVIS used to say that mankind is divided into two classes—fools and damned fools. He thanked God he had been born a fool!

IN a case tried before Chief Justice Tindal, Serjeant Byles appeared for the plaintiff and Edwin James for the defendant in an action on a bond. Byles was a long time in opening his case and examining his witnesses, until at length the Chief Justice became restless. Still more restless was Edwin James, who wanted to keep another engagement. Byles, seeing his impatience, whispered to him: "Give me judgment for the principal, and I will let you off the interest." Accordingly a verdict was taken for the plaintiff for the amount of the bond without interest. Afterwards Edwin James asked Byles why he had forgone the interest. "You need only have put in the bond," said he, "and you would have had both." "That was just the difficulty," said Byles; "*the bond was not in court.*" In those days adjournments were not so easily granted as now, and in any case the costs of the day would have exceeded the interest.

SERJEANT BYLES was a formidable adversary. On one occasion at Norwich he had for an opponent a counsel whose strong point was advocacy rather than law. Byles, who was for the defendant, went into court before the judge took his seat on the Bench, and in the presence of his opponent called out to his clerk: "What time does the midday train leave for London?" "Half-past twelve, sir." "Then mind you have everything ready, and meet me in good time at my lodgings." "But, Serjeant," said the plaintiff's counsel, "this is a long case, it will last at least all day." "A long case!" said Byles; "it will not last long; you are going to be non-suited!" The counsel, who stood much in awe of his opponent's legal skill and knowledge, spoke to his client. The result was that the case was settled for a moderate sum, and Byles caught his train!

ONCE Lord Kenyon—a former Master of the Rolls—had a very handsome offer made to him. He was pleading for the rights of the inhabitants of the Isle of Man, and found in reading his Coke that the people were no beggars. In his speech he said: "The people of the Isle of Man are no beggars; I therefore do not *beg* for their rights, I *demand* them." This so pleased an old smuggler who was present that when the trial was over he called Kenyon aside and said: "Young gentleman, I will tell you what: you shall have my daughter if you will marry her, and one hundred thousand pounds for her fortune." Kenyon happened to have a wife, and was obliged to decline the generous offer.

MR JUSTICE HAWKINS was sitting at the Lincoln Assize Court on the morning of the day on which the Lincoln Handicap was to be run. At the close of a case he turned to the jury, and in the easy, pleasant manner which so rarely failed in its effect, he blandly addressed the twelve good men and true. "Gentlemen of the Jury," said he, "it has been brought to my notice that there is an event of some local importance about to take place this afternoon. I should be very loath to stand for a moment between you, gentlemen, and your participation in your local celebration. Any expression of opinion, therefore, on your part will receive my most serious consideration." But the fish did not take the bait. The twelve honest tradesmen, torn from their respective businesses by the strong arm of the law, wished only to get back to their work as soon as possible; so after a few minutes' deliberation the foreman rose and announced that they had "no expression of opinion to offer." Off came the velvet glove. "I thank you for your communication, gentlemen," said Hawkins; "the court is adjourned until eleven o'clock to-morrow morning."

ON one occasion in Commissioner Kerr's Court a barrister who was terribly verbose discovered that one of the jury trying the case was fast asleep. He forthwith soundly rated those who were still awake for taking so little interest in the case; whereupon Commissioner Kerr said in his broad Scotch: "Ye just mind me of a meenester in Ayrshire who was lecturing his congregation for not coming to kirk,

and remarked : ' Those of ye who do come are asleep, bar the village idiot,' when a voice said : ' If I'd nae been an ideot, I had been asleep too.' "

MR JUSTICE FIELD was very fond of a joke, but was not always tactful. On one occasion he surreptitiously annexed the railway ticket of Baron Pollock, his brother judge on circuit, and confidentially informed the guard that " the old gentleman in the corner was trying to defraud the company." He was much delighted at the confusion of his learned colleague when asked to show his ticket, and the awkward situation that followed on his being unable to do so. Baron Pollock did not see the joke !

LORD ESHER'S most trying experience was probably when the wife of a defendant in a certain case went down on her knees in court, and wept, and besought him to spare her husband.

LORD ESHER took a keen delight in arguing against counsel, and nothing seemed to give him greater pleasure than to upset what a barrister considered a strong point. On one occasion an appeal from a magistrate's decision was being heard, and counsel on the one side was endeavouring to make out the man who had been convicted as bad as possible, remarking that the man was in bad company, and that a man was always known by the company he kept. " If," retorted the judge, " a

clergyman visited a murderer before the latter's execution, you would say, according to your argument, that the clergyman was known by the company he keeps."

LORD CHIEF JUSTICE COLERIDGE, when quite young at the Bar, had a small case in the Crown Court on the Western Circuit before Baron Martin, whose roughness of manner was fortunately surpassed by his kindness of heart. Not quite appreciating the elaborate and eloquent defence which was being offered on behalf of the unhappy prisoner, the Baron interposed rather sharply, whereupon Coleridge, with an assumption of great dignity, said that if he were again interrupted he would be obliged to retire from the conduct of the case. "Why?" asked Baron Martin. "Because," replied Coleridge with more dignity than ever, "it is obvious that my client will suffer, since I am not so fortunate as to win your lordship's favour." "Oh! go on, go on," retorted the judge in his richest Irish brogue; "I think you are a very respectable young mon," thus creating a laugh in which the then budding barrister was obliged to join.

WHEN Bowen was congratulated on being made a Law Lord, he remarked that he should find the work easy, his duty being to give his opinion after so many others had expressed theirs. "In fact," said he, "I shall have only to agree, and might well have been raised to the peerage as Lord *Concurry*."

LORD MORRIS, who had been making a speech at a public dinner in London, told Mr Justice Mathew that he had convinced his hearers that the troubles of Ireland were due to the fact that the English were a slow-witted, and the Irish a quick-witted people. "Then," said Mr Justice Mathew, "you proved your proposition."

"WHEN he addresses a jury," once said Mr Justice Mathew of an emotional advocate, "every eye in court is dry, except his own."

AN amusing story is told of Mr Justice Hawkins. The learned judge had a horror of draughts, and used to close up every cranny of his court, to the great discomfort of everybody. Meeting a brother judge, the latter said: "Oh! Hawkins, I had a frightful dream the other night. I dreamt you were dead, and taken to Woking to be cremated. I caught the last train down and bribed the officials to let me peep through one of the loop-holes of the crematorium. All that I saw was a heap of ashes, but I heard a voice cry out: 'Shut the door, Keating—there's a draught here!'" Keating was the name of Hawkins' clerk in his judicial days.

SIR FRANK LOCKWOOD, even when he became a Queen's Counsel, found it difficult to be serious. Being stopped one morning when riding down to the Temple across the Horse Guards Parade into Parliament Street, he informed the sentry on duty that he was "one of her Majesty's Counsel,"

a reply which so astonished the man that he at once apologised, and Sir Frank rode gaily through the gates, and was duly saluted by the guard!

LORD JUSTICE BOWEN did not despise a touch of humour in dealing with matters arid and naturally repulsive. In dissenting from the opinion of his brother judges as to joinder of parties, he protested against the idea that a writ of summons, or action, is "like an omnibus into which anyone can get as it goes along."

IN an action heard by Lord Morris against a veterinary surgeon for killing a man's horse, Lord Morris, who knew something of medicine, as he did of most things, asked if the dose given would not have killed the devil himself. The vet drew himself up pompously and said: "I never had the honour of attending that gentleman." "That's a pity, doctor," replied the judge, "for he's alive still."

MR JUSTICE GRANTHAM was much given to pouring out *obiter dicta* about all and sundry matters. The public were warned "never to take a cheque from a bookmaker," farmers were assured that they were "really ignorant of their business," husbands appeared to be advised in certain circumstances "to box their wives' ears," and prisoners whom he ordered to be flogged were told that they were "weak scoundrels who cried directly their dirty hides were to be touched."

ERSKINE had a morbid sensibility to circumstances of the moment which sometimes affected his presence of mind. Any appearance of slight in his audience, a cough, a rude laugh, or a whisper, has been known to dishearten him visibly. Aware of this infirmity, an attorney, wise in his generation, once planted a man of drowsy appearance and habits beneath the judge, directly facing the place where Erskine was accustomed to address the jury. Agreeably to his instructions and nothing loath, the sleepy hind made hideous grimaces, and gave way to the utmost expression of weariness in the midst of Erskine's most impassioned sentences. A pause for effect was broken in upon by a dreadful yawn, and a splendid peroration was interrupted by a titter in the second row, and the cry of "Silence!" from the ushers at the too plain indication of a snore. Erskine could not withstand the torture, and sat down abruptly.

SERJEANT COCKLE'S convivial powers were very remarkable. He was once retained in an important case to be tried at York, and attended a consultation the night previously to determine on the line of defence. To the consternation of his client, the Serjeant entered the room in a state of intoxication, and plainly showed that he was in no condition to attend to any business. He assured the attorney, however, that "all would be right in the morning," an assurance which did not give much comfort. Cockle then tied a wet napkin round his head, and desired his junior to inform him of the principal points

in the case. After this he went to sleep for a few hours, and presented himself in court next morning as fresh and ready as if he had passed the night in a very different manner. He cross-examined the witnesses with his usual tact and judgment, and his address to the Court was as spirited and as forcible as any he had ever delivered. Not only did he succeed in obtaining a verdict for his client, but he is said to have distinguished himself in a greater degree than he had ever done before.

SERJEANT HILL, having a case laid before him with a fee of one guinea to construe a devise in a will, answered that "he saw more difficulty in the case than under all the circumstances he could well solve," adding the year and day. The case was returned to him with another guinea, and his answer was that "he saw no reason to change his opinion."

LORD JEFFREY, before he was raised to the Bench, used always to drink the health of a Highland laird immediately after the health of the king. On being asked the reason why he did so, he mentioned that the Highland laird had for fifteen years, owing to a love of litigation, enriched his professional coffers to the tune of about three thousand pounds a year. Mr Jeffrey maintained that so profitable a client as this was worthy of having his health drunk immediately after paying his respects to his sovereign.

MR JUSTICE WILLES loved his profession. Law was his recreation as well as his occupation, and he had strong confidence in his powers from his earliest years. He had been in practice a very short time when he demurred to a pleading. The solicitor doubted the wisdom of arguing to the demurrer, but Willes would go on, and was beaten —but he paid the client all the costs which had been incurred.

A STORY is told of Philip, Lord Hardwicke—Lord Chancellor in 1737—which furnishes an excellent instance of his good-natured attention to suitors, and his tact in administering a direct rebuke to counsel. In a cause to which a Mr Cronwell was a party, the advocate opposed to him thought fit to indulge in some very unwarrantable vituperation of that gentleman's ancestry. Lord Hardwicke was aware that the representative of the family happened to be in court at the time, and begging the orator's pardon for interrupting him, he expressed his fears that Mr Cronwell might find himself inconveniently situated outside the bar, inviting him at the same time to take a seat on the Bench! It is needless to add that when the speech was resumed it was in a very different tone!

MR JUSTICE BULLER once decided that a husband might chasten his wife with a stick no thicker than his thumb, and his portrait by Gillray as "Judge Thumb" for a long time was in the windows of the print shops.

MR E. K. KARSLAKE, Q.C., used to tell a story relating to the habit of Vice-Chancellor Malins, when practising at the Bar, of seeing that his "junior" was listening carefully to the arguments which he was addressing to the Court. While opening in a case in which Karslake was his junior, the vain old leader heard a "crinkling" noise, and turning round suddenly to Karslake exclaimed: "You are reading a newspaper—I know you are—I heard you turn it." Karslake proclaimed his innocence with all the emphasis at his command. A few minutes afterwards, however, the disagreeable sound was repeated. "You *are* reading a newspaper!" exclaimed Mr Malins, interrupting his address again. "It is not, allow me to tell you, a respectful or proper thing to do." In vain did Karslake assure him that he was listening to his learned arguments with all his might, and it was not until he had the opportunity of making the suggestion at the close of the case that Malins recognised that the sound which he thought proceeded from a newspaper was produced by the unusual quantity of starch which his faithful laundress had employed in the preparation of his underlinen.

SIR ALBERT DE RUTZEN, for many years Chief Magistrate of London, was possessed of a marvellous memory for faces. On one occasion he astonished an old lady who had been hoping for many years to obtain some thousands of pounds for breach of promise to marry alleged to have been made to her in her youth. "I know all about it," said Sir Albert

to the amazed old lady; "you spoke to me about twenty years ago at Marylebone Police Court. I then advised you to instruct a solicitor. The advice I now give you is the same."

AN Irishman named Phillips, a well-known judge, once detected a witness kissing his thumb instead of the Testament, and having rebuked the misguided person, who thought that swearing created two standards of truth, said: "You may think to deceive God, sir, *but you won't deceive me.*"

ON one occasion, when a violent clap of thunder shook Mr Justice Field's court, he threatened "that if that unseemly noise occurred again he would have the court cleared." At another time it is said that whilst revolting details were being shouted into his ear (he being very deaf) by witnesses in a criminal case, he interjected, "Good, good!" as each fresh horror was announced!

"THE point is a very small one," said Mr Ince, Q.C., in the Court of Appeal one day. "Your brief, Mr Ince, is a very large one," slyly observed Lord Justice Bowen. "It's none the worse for that, my lord," replied Mr Ince, doubtless thinking of his fee.

THE nomination of the sheriffs always provides amusement for those who care to spend an afternoon in witnessing the ancient ceremony in the Lord Chief Justice's Court, when the Chancellor of

the Exchequer presides, with the Lord Chief Justice and other judges on both sides of him. It is the duty of the judges to read out names at certain times, and it was once Mr Justice Manisty's misfortune to see to part of the Welsh division of the list. He was successful with the names of the men; it was the names of their places of residence which confounded him. "Robert Jones, of—*some place*," he once said, "and David Evans of"—here there was an awful pause as the whole Court excitedly listened—"of *another place*," concluded his lordship, amid the loud laughter of the Court and the sympathetic smiles of his judicial brethren.

A JUDGE once refused to accept a mother's statement as to the date of her child's birth, "unless she could associate it with something collateral in order that the time of the event might be fixed!"

MR JUSTICE RIDLEY on one occasion adopted the extraordinary course of threatening to leave the Bench if a member of the Bar who had been engaged but half-an-hour in opening the defendant's case did not at once call his witnesses.

THE following is an amusing illustration of circumstantial evidence. A witness in a railroad case at Fort Worth was asked to tell in his own way how the accident happened. He said: "Well, Ole and I was walking down the track, and I heard a whistle, and I got off the track, and the train went

by, and I got back on the track, and I didn't see Ole; but I walked along and pretty soon I saw Ole's hat, and I walked on, and seen one of Ole's legs, and then I seen one of Ole's arms, and then another leg, and then over one side Ole's head, and I says: 'My God! *something muster happened to Ole!*'"

THE judgment delivered by Commissioner Kerr in cases where there was no jury was usually as terse as his summing up to a jury. An idea of his style may be gathered from his judgment in what proved to be the last "Admiralty" case ever tried by him. The barges which a tug has in tow are on the river called technically "her tail." Addressing the counsel against whom he decided, who was a great favourite of his, the Commissioner gave judgment in these few words: "No, Mr ——, it won't do. You haven't a leg to stand on, and your tail was much too long!"

SIR GEORGE JESSEL had little sympathy for well-known counsel who opened cases too exhaustively, not to say tediously. He once asked Mr Fischer, K.C., who was then practising before him, to come without any delay to what was really relevant in the case he was opening. Mr Fischer took the rebuke very much to heart, and when the case was over, and it had been decided in his favour, he rose, and, to the intense astonishment of everyone in court, said: "My lord, I took your insult quietly because the case was proceeding. I have now to wish your

lordship a respectful adieu, as I shall not, after what your lordship has thought fit to say, appear in your lordship's court again"—a determination which he faithfully kept.

LORD BOWEN once described an eminent lawyer who sought to combine rural pursuits with legal studies as "milking a cow with one hand and annotating 'Lindley on Partnership' with the other."

IN an action for libel brought by Lord Alfred Douglas, Mr J. C. Hayes, who appeared for the plaintiff, mentioned that twenty-five pounds had been contributed by the plaintiff to the expenses of Oscar Wilde's funeral in Paris; on which Mr Justice Darling added: "And somebody has put a monument over him fit for Napoleon." Mr Hayes solemnly retorted: "Since his regeneration they have put up a monument. He is risen from the dead!" "*There is no evidence of that,*" was Mr F. E. Smith's smart comment.

A PATHETIC little story is told of Sir Frank Lockwood's humour even on his death-bed. The Lord Chancellor's (Lord Halsbury) visit to him gave him great pleasure. Ruefully glancing at his own shrunken frame, he said: "He *must* have felt I should now make an excellent puisne [pronounced puny] judge!"

WHEN one of his brother judges hinted at the advisability of Mr Justice Field retiring from the Bench, Field said: "Well, I may no longer be fit to be a judge—*but you never were!*"

CHIEF JUSTICE ERLE, in one of his earliest cases when at the Bar, once appeared for some tradesmen who had supplied goods—knives, forks, etc.—to a club which called itself the Westminster Reform Club. "The Club, my lords," said Erle, "was formed for the spread of Liberal principles and——" "It surely was not necessary," observed Baron Bolland, "for the spread of Liberal principles to get into debt?" "It would have been more liberal to have paid," added Lord Abinger. "It was necessary, my lords," said Erle, "that the Club should have a home, and if a home, a dining-room in it, and if a dining-room, a dinner, and if a dinner, that they should have knives and forks wherewith to eat it." "Oh, I don't see that at all, Mr Erle," said Lord Abinger, rubbing his hands with glee at the imaginary predicament of the Liberal M.P.'s. "I don't see that at all. I can't see the necessity of reformers having knives and forks wherewith to eat their dinners; the Romans had none."

LORD CHANCELLOR WESTBURY once remarked to Mr Merewether, a famous silk: "You are getting fat, disgustingly fat, Mr Merewether; you are as fat as a porpoise." "In that case," retorted the Q.C., with a profound obeisance, "I am evidently the fit companion of the Great Seal."

A LITTLE girl in Ireland on being asked by a judge in court what would happen to her if she told a lie in her evidence, replied: "I suppose, sir, I wouldn't get my expinses."

MR INDERWICK, Q.C., was not a man who was easily astonished, but his presence of mind once gave way a little during his cross-examination of a cabman in a divorce case. The ruddy-featured Jehu swore that he drove the co-respondent. "Will you swear to that?" asked the distinguished Q.C. Cabby looked at him in blank surprise, and said in a fierce tone of remonstrance: "Ain't I a' swearin'?" After this unexpected reply Mr Inderwick took some time to summon up courage to ask a few more questions.

DINING with the Bar on a circuit notorious for the small fees earned by its leaders, Lord Justice Mathew urged the juniors to take "silk." "Why be content," he said, "with *three and one* when *five and two* is within your grasp?"

AS deafness grew upon Mr Justice Field (afterwards Lord Field) it became extremely difficult for many members of the Bar to make themselves heard. On one occasion an issue in a real property suit had been sent from the Chancery side to be tried by a jury. There were a number of interests represented by different counsel, as is the

custom in Chancery, and Mr Justice Field, who presided, looked in astonishment as half-a-dozen unknown men of singularly mild demeanour, but of undoubted erudition, popped up here and there in the court to intimate in gentle voice for whom they severally appeared. With some difficulty the situation was explained to Field, and the proceedings were just being opened by Lockwood—the only common-law counsel in the case—when a seventh barrister arrived in a great hurry from Lincoln's Inn and sought to justify his appearance in dulcet tones quite inaudible to the judge, who was by this time in a state of considerable irritation. "Never mind, my lord," cried Lockwood in his loud, cheery way, "we must take this case *subject to all its equities*." The gibe put the judge in a good humour again, and apparently Lockwood was the only counsel the jury could follow and understand, as their verdict was in these terms: "*We think Mr Lockwood is right.*"

IN a charge of conspiracy against the leaders of the Women's Social and Political Union, heard at Bow Street by Sir H. Curtis Bennett, a youthful lift-boy was asked by Mr A. H. Bodkin on which floor of the building the secretary's room was located. "On the Mazarin floor," was the boy's reply—meaning the mezzanine floor—on which Mr Bodkin remarked: "It is but a cardinal error."

DURING the hearing of a case in the King's Bench Division Mr Justice Bailhache rebuked a King's Counsel for speaking to him while a witness

was being sworn by the Associate. "I have strong views," his lordship said, "that we do not pay sufficient regard to the solemnity of the oath. I think it is partly due to the fact that not enough attention is paid while a witness is being sworn."

SERJEANT BALLANTINE used to say that there were only two men on the Home Circuit who had the slightest sense of religion about them, and that singularly enough, although they were staunch friends and sincerely attached to one another, each most devoutly and conscientiously believed that the ultimate destination of the other would be the infernal regions. The two friends, thus strongly allied in this life, and so ruthlessly to be severed in the next, were Lord Justice Lush, who was a strict Baptist, and Mr Justice Shee, who was a strong Catholic.

MR JUSTICE DAY was one of the three judges appointed on the Parnell Commission. Throughout the case he scarcely uttered a word, and when at last he did break silence the incident seemed so noteworthy that Sir Frank Lockwood, Q.C., with characteristic humour drew a cartoon entitled "Day unto Day uttereth speech." During the trial, to the casual observer he appeared to be asleep, but in reality he was carefully following the evidence. When the report of the Commissioners came to be drafted, it is said that half-a-sheet of notepaper contained all his views.

MR JUSTICE MANISTY was one of the kindest-hearted men, and could never bring himself to preside over a murder trial, being prevented by the fear of having to pass sentence of death upon a fellow-being.

ONE day on the Oxford Circuit, owing to the nature of the case, all women and boys were ordered to withdraw. The prosecuting counsel noticed that certain females had not obeyed the injunction. "I am afraid, my lord," he began, "that the Court is not properly constituted." "Not properly constituted?" said Sir Henry Hawkins. "Do you object to me personally, or do you wish one of my learned brothers to sit with me?"

LORD MORRIS' humour was not of the literary kind, which finds its way into judgments, but it does bubble up now and again. In the decision of the Judicial Committee in "Cockram *v.* Macnish," the question was as to lawful and unlawful use of the term "club soda," and Lord Morris, who gave the decision of the tribunal, remarked: "In the manufacture of soda water there is no secret, *and frequently no soda.*"

LORD CHIEF JUSTICE COLERIDGE used to tell a story of a counsel whose features were very far from handsome, and who was pressing a witness in cross-examination about the history of his ancestors. At length the witness refused to reply, and the judge was appealed to, who ruled that the

question, though seemingly far-fetched, was not inadmissible as counsel claimed that it had a bearing on the character of the witness. "Well," said the latter, "if I am to answer it, all I can say is, that my ancestors were gentlemen when yours were throwing cocoanuts about in the trees!"

ONE did not have to go so far as to assault a judge in order to get heavily punished in the olden days. One Weennum was accused of traducing Lord Chancellor Bacon in a petition to the King, complaining of injustice. The Court "conceived that he had wronged the Lord Chancellor," and sentenced him to be perpetually imprisoned, pay a fine, ride through London on a horse with his face to the tail, stand in the pillory, and lose both his ears!

THE lot of the old-time juryman was not always enviable, for there was the prospect of trouble if the verdict did not gratify the higher powers. Thus the failure of a jury to convict Sir Nicholas Throckmorton made Queen Mary "ill for three days," and she came out of her sick-chamber to fine the disobliging jury (meanwhile confined in prison) two thousand pounds a head. Elizabeth followed the same plan, and the practice of fining juries did not cease until 1670, when a fine inflicted by the notorious Jeffreys was rescinded on appeal.

BARON MARTIN once likened the Parliamentary Bar to the endearments of a mistress as compared with the "lawful embraces of Westminster Hall and Lincoln's Inn."

MR JUSTICE HAWKINS in the course of summing up a case to the jury remarked: "It is a common failing to want to fire off long-winded stories. I remember many years ago an old gentleman who had a favourite gun story. Wherever he might be, he would suddenly stop and ask in tones of alarm: 'Was that a shot?' and then he would add: 'Talking of shots, that reminds me of a gun'—etc., etc."

A GRACEFUL compliment was once paid to Mr Justice J. C. Lawrance during the hearing of a case which he was trying without a jury. He had given judgment for the plaintiff on a bill of exchange, but refused to grant interest, and the plaintiff's counsel was endeavouring to induce the judge to reconsider his decision in that particular, whereupon his lordship said (*pointing to the jury-box*): "If I had been *there*, you know you would not have got one penny of interest." "Ah," replied counsel, "if your lordship had been *here*" (*pointing to himself*), "you would have persuaded the gentlemen *there*" (*pointing to the jury-box*), "that my client's case was right." Those who ever heard John Compton Lawrance addressing a Lincolnshire or Nottinghamshire jury would recognise that the compliment was as well deserved as it was neatly turned.

AN audacious and amusing attempt was once made to bribe Mr Justice Wills at Manchester Assizes. A hawker sent a letter to his lordship's lodgings, stating that he was the defendant in an

action that was shortly to be tried. After giving the details, the man wrote: "Now, sir, when you have given judgment for the defendant with costs, if there is any small article of value that you feel you could comfortably wear, it shall be sent." As it happened, the case in question would not come before him, and in the course of his fitting reply Mr Justice Wills mentioned the circumstance. The judicial rebuke brought forth a profuse apology, but, unabashed, the man asked to be informed who was the judge who would try the case, presumably in order that he might repeat his handsome offer!

IT is related of a learned serjeant who went the Welsh Circuit, where as a rule there was very little work to be done, when asked whether there was much business, coolly replied: "Very little, I believe. We read of three or four murders in the calendar, but I understand the parties have met, and have made it up; they are all compromised!"

A GOOD story is told of Sir George Jessel. Some years ago a suit was instituted before the Master of the Rolls by a large firm of merchants at Bombay, who complained that their shipping agent in Lancashire had systematically charged them with a very large amount of commission which he had no right to charge. Investigation showed that there were two invoices used, and that the transactions were so conducted as to make a difference of seventy per cent. in favour of the commission agent. In the course of the hearing Jessel inquired of the eminent

counsel for the defendant what was the answer to the complaint, and the reply was that the practice was universal in the particular trade throughout Lancashire, and was prevalent elsewhere. Counsel said he had a large number of respectable people in court to give evidence in proof that the practice was universal. The judge replied: "You can send those respectable people home; the sooner they leave the court—the better!"

IN a case tried before Mr Justice Darling—soon after the Derby in which the winner, Craganour, was disqualified for boring—Mr Schwabe, for the plaintiff, objected to some of the statements of Mr Marshall Hall, K.C., and there were several passages between counsel, until at length the judge remarked: "I shall have to disqualify one or the other of you for *boring*."

A CAPITAL story is related at Sir Frank Lockwood's expense. The narrator stated that, having been on a visit to the city of York (which city Lockwood represented in Parliament), he had inquired of a friend who was afflicted with deafness what was his opinion of the sitting members. "I don't know much about 'em," said the old gentleman, "but one of 'em is called Lockwood." "What sort of man is he?" asked the visitor. "Oh, I think he'll do," replied the aged citizen. "They say in London that he's doing," observed the friend. "Oh, indeed, *who's he a-doing of*?" inquired the old gentleman.

THERE is a story that a lady once wished she might be Lady Hannen, because Sir James Hannen, as President of the Divorce Court, must have, as she thought, so many scandals to relate!

COUNSEL in an ejection action, who had repeatedly reminded Mr Justice Mathew that he represented a defendant who was in possession, interrupted him as he was beginning to give judgment, with the observation: "Your lordship will remember that my client was in possession." "Mr ——," said the judge, "*I shall never forget it.*"

MR JUSTICE ELDON BANKES tells the following story of his first judicial experience on circuit. It was the duty of his clerk to robe the learned judge before he went into court. "I find it increasingly difficult, my lord, to get your sash to meet," remarked the observant clerk as he was performing his duty one morning towards the end of the circuit.

BARON BRAMWELL had an antipathy to all the unctuous platitudes of the Bench. On one occasion in pronouncing sentence of death upon one Richard Reeve, he merely said: "My duty is to pass upon you the sentence of death for that offence, and that is my only duty."

AMONG many experts called to give evidence in an action which Mr Justice A. L. Smith decided that the mouth of a horse had been tampered with, was a Mr South, who informed Mr Kemp, Q.C.,

that he had been a veterinary surgeon all his life. "What, *all* your life?" exclaimed the astonished Q.C. amid the laughter of the court. "Yes," replied the witness; "I commenced having to do with horses soon after I was born." One of the counsel quietly suggested that the witness's statement was doubtless true, they were *wooden* horses!

LORD ESHER—Master of the Rolls—was occasionally rude and sometimes undignified, but as a rule his good humour was unfailing, and no one more heartily appreciated a joke, even if the joke was against himself. In a case respecting a fraudulent prospectus, the counsel before him was arguing that it had deceived a large number of persons, including some country clergymen who had been induced to apply for shares in a worthless company. Lord Esher was unconvinced and incredulous, and said: "Now just imagine for a moment that I am a country curate." He laughed as heartily as his brethren and the Bar when counsel quietly replied: "My lord, my imagination is limited!"

MR WILLIS, Q.C., enjoyed telling the following story against himself. Speaking in his customary style at a political meeting, he found an opportunity of referring to the character of Barkis, and of exclaiming: "Barkis is willing." "No, no!" shouted a working man in the audience. "It ain't Barkis is willing! but *Willis is barking*!"

SOME years ago the authorities of the Law Society were much exercised in their minds regarding a certain Commissioner for Oaths in Searle Street, who was in the habit of "recognising" the introductions of solicitors' clerks who brought affidavits to him. A noble lord who was noted for his courtesy had occasion to call upon his solicitors, who had offices on the north side of Lincoln's Inn Fields, for the purpose of going through some affidavits. At the conclusion of the interview he protested against the proposal that one of the principals should accompany him to be sworn, and said that the office-boy would be quite sufficient escort for him. They accordingly started, and the boy convoyed the nobleman along the lengthy north and east sides of the "Fields" until they came to Searle Street, and they then climbed interminable stairs, finally entering a somewhat grimy office. The affidavits being sworn, the client was "edged" out, what time the boy had a short and satisfactory interview with the Commissioner. Upon being joined on the landing by the boy, his lordship meekly observed: "It seems a long way to have come for a commissioner; I seem to have been sworn on other occasions much closer to the office." The boy earnestly said: "My lord, I know it is a long way, but I put as much work as I can in this poor man's way. It is a very sad case indeed. He had a good practice once, and lost it through ill-health. I can vouch for its being a genuine case; *he is a member of the same Chapel that I attend.*"

THE following story is frequently told in Masters' Chambers, to the great disgust of a certain clerk who is said to be the hero of it. The clerk, who had not long been attending summonses, was asked by Master Butler where his *locus standi* was. Flushing a little, he replied: "I am sorry, sir, but I left it on the office table this morning. It seemed too bulky to bring along, and I thought I could do without it!"

WHEN the Court for the Consideration of Crown Cases Reserved was first established the minimum of judges was five. The Bar christened it, "*The Court of Criminal Conversation*," because the judges talked so much!

LORD THURLOW used to declare that the decrees of the Scotch judges were least to be respected when they were *unanimous*, as in that case they probably without thought had followed the first of their number who had expressed an opinion—whereas when they were divided they might be expected to have paid some attention to the subject.

A LEARNED serjeant in former times, who was originally brought up as a doctor and accoucheur, determined to change his profession, and applied himself to the study of the law. In due time he acquired a good practice, and an extensive reputation as a lawyer, though his oratorical achievements were by no means remarkable. When

Murphy, the dramatist, went the Home Circuit, he had the curiosity to take down a speech of this learned serjeant, which consisted of little else than repetition of "*Gemmen* of the jury." This speech he afterwards showed to Lord Chief Baron Skinner, who, instead of laughing at it with the rest of the company, gravely observed that "he thought the learned serjeant very ill-treated; for though it was true that *he had* often delivered other people, it was never understood *that he could deliver himself*."

ONE of Jekyll's happy sayings was uttered at Exeter when he defended several tailors who were charged with raising a riot for the purpose of forcing master tailors to give higher wages. Whilst Jekyll was examining a witness as to the number of tailors present at the alleged riot, Lord Eldon—the Chief Justice of the Common Pleas—reminded him that three persons can make that which the law regards as a riot; whereupon the witty advocate answered: "Yes, my lord, Hale and Hawkins lay down the law as your lordship states it, and I rely on their authority, for if there must be three men to make a riot, the rioters being tailors, there must be nine times three present, and unless the Crown make out that there were twenty-seven joining in the breach of the peace, my clients are entitled to an acquittal." On Lord Eldon inquiring whether he relied on common law or statute law, Jekyll answered firmly: "My lord, I rely on a well-known maxim as old as Magna Charta: '*Nine* tailors make a man.'" The jury acquitted the prisoners!

CURRAN once met his match in an Irish ostler whom he was cross-examining in a case. Curran was anxious to break down the credibility of this witness, and thought to do so by making him contradict himself. However, the ostler's equanimity and good nature were not to be upset. Presently Curran thundered out, as no other counsel would have dared to do: "Sir, you are incorrigible; the truth is not to be got from you, for it is not in you. I see villain in your face!" "Faith, yer honour," said the witness, "my face must be moighty clane, and shinin' indade, if it can reflect like that!" For once in his life Curran was floored, and did not pursue that line of cross-examination.

BARON HEATH was severe to a fault. When passing sentence on one occasion at the Midland Circuit, he observed that he would make such examples, as that if a man left a garment unprotected upon a hedge, he should find it there when the next judge should come to the same assize.

SERJEANT ARABIN—Common Serjeant—was hardly dignified in court, and most of his *obiter dicta* cannot be classified as witty. Once in a case heard by him at the Old Bailey a female witness did not speak out, on which Arabin said to her: "You come here with your head in a false wig, if you can't speak out, I'll take off your bonnet; if that won't do, you shall take your cap off, and if you don't speak out then, I'll take your hair off."

ON one occasion at Omagh Assizes a man was charged with loitering. He was asked whether or not he could call any witness to give him a good character. He replied in the negative. Whereupon a man in court shouted that he could give him one. Having been sworn, he was asked what he had to say in reference to the prisoner, and he replied that he had never seen nor heard of him before, but he knew all the bad characters within twenty miles of Omagh, and the prisoner was not one of them. On the strength of this negative evidence the prisoner was acquitted.

WHEN Lord Moncrieff was at Glasgow judicially for the first time, he went to hear his friend Dr Brown preach. He was unwigged but perfectly well known in the congregation. The worthy doctor was not dreaming either of this judge or of circuits, but his text began: "There was in a city a judge, which feared not God, neither regarded man." He had only uttered these words when the turn of all heads made him see the learned judge, and he could hardly proceed for confusion and horror.

SERJEANT BALLANTINE once appeared for the directors of some public gardens, the renewal of whose licence was opposed by a local Vigilance Committee. Their principal witness was a curate, who described with bated breath the scenes he had witnessed in the gardens. He was asked to specify what sort of scenes. Amid an awestruck silence he related how he had actually seen young

couples kissing one another behind the bushes. Ballantine asked him if he had ever kissed a young lady. The curate flushed red, and appealed to the magistrate for protection. When the Bench refused to interfere, he stammered out : " Only once, and *she was a Sunday school teacher.*"

MR KEMP, K.C., used to delight in telling a story of two judges who played cards on circuit. After one very exciting game one of their lordships called the other " a damn' cheat." A quarrel ensued, and the matter was referred to the arbitration of a well-known barrister, who ordered the omission of the " damn'."

A JURYMAN one day asked Mr Baron Huddleston if he wished him to go against his conscience. " No," was the judge's neat reply ; " I wish you to act in accordance with the evidence."

MR JUSTICE CHITTY, who was a very jovial judge, was so fond of sandwiching his judicial utterances with his personal recollections that he was usually spoken of as Mr Justice *Chatty.*

LORD JUSTICE BOWEN was constantly complaining of the loose manner in which Acts of Parliament are drawn. " It comes to this," said Bowen, " that if the legislature were to pass an Act relating to dairy farming, and were to lay down certain rules for the management of cows, a clause would be wisely inserted at the end, thoughtfully stating that ' for the purposes of this Act " cows " should be meant to include *horses.*' "

MR JUSTICE FIELD was not enamoured with trial by jury. An action once came before him when the jury, being unable to agree, remained out of court a long time. Field, tapping his fingers on his desk, was hardly meanwhile a good figure of patience sitting on the Bench, and broke out with: "How long will the country be content to have its time and money wasted for the sake of having twelve men to decide the merits of its litigation? *Twelve men indeed!*" Counsel in court looked at each other in astonishment, but Mr Justice Field, a very deaf but far-sighted judge, only went on tapping with his fingers. Some further statements on our jury system were eagerly expected, but his lordship, still waiting for the jury, eventually left the court in grim silence.

LORD COLLINS rarely made a jest in court, but no judge possessed a keener sense of humour. On one occasion when referring to a young barrister's first brief, he described it as "that first great cause least understood."

SIR FRANK LOCKWOOD used to relate that on going to a police court in his younger days to appear on behalf of a prisoner, he observed that the magistrates were performing their work in a very expeditious manner. He mentioned to the superintendent of police that the magistrates were rattling through their duties in an extremely workmanlike fashion. "Yes," answered the superintendent, who was pompous and none too well educated, "their worships always dispenses with justice very fast!"

LORD CHIEF JUSTICE COLERIDGE used to sleep a good deal on the Bench. Somebody asked Lord Justice Mathew, who was sitting with Coleridge, how the Chief Justice was. "He has quite got rid of his *insomnia*," replied Mathew.

ON one occasion Vice-Chancellor Malins was the object of an attack when he was leaving the bench of the court in Lincoln's Inn. The missile was an egg. The Vice-Chancellor had sufficient presence of mind and sense of humour to remark that the present must have been intended for his brother Bacon, who was sitting in an adjoining court.

IN a case of slander tried before Mr Justice Darling, the defendant—a very garrulous woman—defended herself, and insisted, much to the amusement of the Court, on abusing in no unmeasured terms a relative named Julia, who was seated two benches behind her. In the course of the judge's summing up the defendant constantly sprang up and interrupted his lordship, who at last ordered the usher—the ever-smiling Champ—to stand and keep guard over her. The jury having returned a verdict against her, Mr Justice Darling, addressing her, advised her if she did not wish to lose all her money in litigation, "to keep a civil tongue in her head," upon which she jumped up and said to the judge: "*Will you give the same advice to Julia?*"

SIR GEORGE JESSEL'S first appearance in the Court of Queen's Bench after his appointment as Solicitor-General was memorable. It was to oppose a rule for a mandamus to the Commissioners of the Treasury to allow the county of Lancashire certain costs in criminal cases which had been disallowed. "The Court of Queen's Bench hasn't the power to do anything of the sort," said the Solicitor-General in peremptory tones; "it can't do it." The colour was seen gradually to rise in the face of Lord Chief Justice Cockburn, and at last he spoke: "Whatever the Court of Queen's Bench can, or cannot, do, Mr Solicitor, it is accustomed to be addressed with respect." Jessel waited until he had reached the end of the thread of the argument which he had in hand, when he mentioned in passing that he did not mean to be disrespectful.

MR JUSTICE FIELD was very deaf. A brother counsel asked Mathew (afterwards Lord Justice), who was counsel in a case which Field was trying, what stage the case had reached. "*Part heard,*" was Mathew's prompt reply.

OF one Lord Chancellor's judicial appointments, Lord Justice Mathew remarked: "He is careful to select only persons of tried incompetency!"

LORD ASHBOURNE—a former Lord Chancellor of Ireland—was always believed to have the loudest voice in the House of Lords. The story is told of him that when he made his début as Irish

Attorney-General in the House of Commons, a colleague hurrying into the House met another coming out. "Where are you going?" asked the former. "Don't you know that Gibson is just up?" "Yes, I know," was the reply; "I'm going to the Lords; I fancy I shall hear him with more comfort there."

SIR EDWARD CARSON, K.C., who is noted for his ready Irish wit, on one occasion in court when the judge with whom he had had more than one passage of arms, pointed out to him the discrepancy between the evidence of two of his witnesses, one a carpenter and the other a publican, answered: "That is so, my lord; yet another case of difference between Bench and Bar."

A CERTAIN special pleader was one day stating a variety of objections to the alteration in the practice of the Law Courts. These objections were clearly shown untenable by the individual with whom he was conversing; on which, finding himself pressed, he exclaimed: "All you say may be very good, but I have just published a new edition of my book, and more than one half will be left upon my hands."

MR JUSTICE KEKEWICH could sometimes be extremely amusing. On one occasion he was trying an action entitled "Heap *v.* Pickles." On some uncertainty arising as to the identity of

one of the Pickles, his lordship gravely remarked that they seemed to be "a mixed lot."

On another occasion on coming into court one morning he announced his inability to properly understand some evidence respecting the course of certain canal water. "I have had this water on my mind since yesterday," said Kekewich, "and I don't like to have water on the brain—not even canal water."

BARON HUDDLESTON sometimes indulged in Dr Johnson's special abomination—a pun. In a breach of promise case in which poetry was very plentiful, one of the counsel happened quite innocently to speak of the *pros* and *cons* of the case. "I suppose," said his lordship, "that having already had the *cons*, we shall indeed be glad to have the *prose*."

SHORTLY after the Irish Land Act of 1881 became law a very important case was carried to the Court of Appeal, of which Lord Morris, as Chief Justice of the Common Pleas, was an *ex officio* member. Morris was not summoned, and meeting the Lord Chancellor in the street, he expressed his surprise. The Chancellor with some embarrassment explained that he had not wished to put the Chief Justice to inconvenience, that he had summoned a sufficient number of judges to constitute the tribunal, and that in fact there were not chairs enough on the bench of the Court of Appeal to accommodate any more. "Oh!" said Lord Morris, "that need make

no difference. I'll bring my own chair out of my own court, and I'll form my own opinion, and deliver my own judgment, Lord Chancellor."

IN the olden time, as now, the Irish followed keenly all the details of political and other trials, and could always draw a shrewd inference from them, generally of a humorous kind. A gentleman of position in Galway was indicted for murder at the assizes, and acquitted, against the weight of evidence which was overwhelmingly against him. Shortly after this a gentleman standing at the open window of a coffee-house in Dublin said to a friend: "What is that fellow going to be hanged for?" indicating a criminal passing by in a cart to be executed. A ragged individual in the crowd, hearing the remark, called out: "Plaze, yer honour, for want iv a Galway jury."

WHEN Lady Rolle on her husband's death refused to let the hounds go out, a learned serjeant asked Lord Chief Justice Tindal whether there would be any harm if they were allowed to do so with a piece of crape round their necks. "I can hardly think," said the Chief Justice, "that even the crape is necessary, it ought surely to have been sufficient that they were in *full cry*."

CYRUS JAY at the close of a consultation with Serjeant Bompas said: "At all events we have justice on our side." "That may be so," replied Serjeant Bompas, "but what we want is *the Chief Justice* on our side!"

LORD ALVANLEY—Master of the Rolls—one day finding himself seriously unwell, sent his respects to the Lord Chancellor (Lord Thurlow), with an expression of regret that extreme indisposition would prevent his sitting that day at the Rolls. "What ails him?" asked Thurlow in a voice of thunder of the bearer of the message. "If you please, my lord, he is laid up with dysentery." "Damn my eyes!" exclaimed Thurlow, "let him take an Act of Parliament, and swallow that—*he'll find nothing so binding*."

PRISONERS in the olden days received little consideration at the hands of the judges who tried them. Once, at Stirling, Lord Jeffrey kept a prisoner waiting twenty minutes after the jury returned from considering their verdict, while he and a lady who had been accommodated with a seat on the Bench discussed together a glass of sherry.

LORD WESTBURY, though always professing to be a staunch churchman, was not much in the habit of attending church. On being charged with inconsistency by a friend, who told him that he was bound to support his theory by his example, Lord Westbury replied: "I daresay you are right; but I am like one of the buttresses of the edifice, which are of more service to it on the outside than the in."

SERJEANT HILL was remarkable for the ceremonious attention with which he treated his wife during her lifetime. Once, being engaged

in an important case at Leicester, and finding that its trial would probably last far into the night, he desired his clerk, in a loud voice—so that the message was heard by all in court—"to offer his compliments to Mrs Hill, and to express his great regret that he would not be able to sleep with her that night, as he expected to be detained until very late."

IT is related of Serjeant Hullock, afterwards raised to the Bench of the Court of Exchequer, that he was concerned in a case of great importance in which he was instructed not to produce a certain deed unless it was absolutely necessary. Either from forgetfulness, or from a desire to terminate the matter at once, Hullock early in the case produced the deed, which upon examination appeared to have been forged by his client's attorney. Mr Justice Bayley, who was trying the case, ordered the deed to be impounded with a view to prosecution. Before this could be done, Serjeant Hullock said he wished to inspect it, and on its being handed to him, returned it to his bag. The judge remonstrated, but in vain. "No earthly power," said Serjeant Hullock, "shall induce me to surrender it. I have incautiously put a fellow-creature's life in peril, and though I acted at the best of my discretion, I should never be happy again, should a fatal end ensue." The judge still continued to remonstrate, but declined to act until he had consulted another judge. The consultation came too late; the deed was in the meantime destroyed, and the rascally attorney escaped.

LORD PRESIDENT DUNDAS always had a sand-glass before him on the bench, with which he used to measure out the utmost time that could be allowed to a judge for the delivery of his opinion. He would never allow a single moment after the sand had run down, and was often seen to shake his old-fashioned chronometer in the faces of his colleagues on the Bench when their judgments began to get too verbose.

AT the Dublin Assizes a man was convicted of bigamy; he had married four wives. The judge in passing sentence expressed his wonder as to how the prisoner could be such a hardened villain as to delude so many women. "Plaze, yer lordship," said the man, interrupting, "I was tryin' to get a good wan!"

A PRISONER charged with bigamy raised the defence that he had reason to think his first marriage was invalid. Mr Justice Mathew, in summing up the case, said: "The prisoner, gentlemen, having made the acquaintance of a young woman of exceptionally pleasing appearance, was seized with conscientious scruples as to the validity of his first marriage!"

IN a case tried before Mr Justice Darling there was a discussion as to the term for which a surgeon appointed on the staff of a hospital was engaged. He contended that his term was "for

life," on which Mr Justice Darling asked: "For his own life—or *pour autre vie*, until he kill a patient?"

MR JUSTICE JELF was fond of telling a good jury story. A friend of his was serving on a special jury whose deliberations threatened to be terribly protracted owing to the obstinacy of one of their number. Thinking to while away the time, the judge's friend ventured to light a cigarette, whereupon the obstinate juror protested, saying that he hated smoke. "I am glad to hear it," the smoker calmly replied, as he handed his cigarette-case round. Every one of the ten lit up, and their combined whiffs speedily brought the sturdy dissentient to his knees.

LORD CHIEF JUSTICE COLERIDGE was one of Lord Justice Mathew's intimates among the judges. There is a story that they had been sitting together "*in banco*" and had in one case reserved judgment. Mathew had sent his written judgment to the chief, and when the day came for delivering the judgment the chief said he had mislaid it. Whether it was characteristic carelessness, or a Coleridgian manœuvre, who can say? But Mathew replied: "I thought that might happen, and so I have brought another copy." Whereupon the Chief Justice: "Oh! J.C.—J.C.!" and the retort: "Oh! C.J.—C.J.!" And the two augurs smiled at each other.

A LITIGANT in person who was continually baffled in his attempts to get in inadmissible matter at last exclaimed: "Thank Heaven! At the Day of Judgment there will be no rules of evidence, and then there will be some chance of the whole truth coming out at last!"

LORD JUSTICE MATHEW sat to hear Chancery cases from time to time. After one of these experiences he said that he now understood the rules of equity in regard to the construction of wills. "First," he said, "you ascertain the intentions of the testator, and then you do the opposite."

ONE morning in a court over which Lord Chief Justice Coleridge presided a jury gave a verdict against the evidence. The judge groaned, and while not permitting them to try another case, ordered them not to leave the court. He meant, of course, that they should remain during the sitting. Late that night, long after the sitting had concluded, a feeble, wan figure approached the caretaker of the court, and asked whether he might go out and get some food. *It was a juryman!*

COUNSEL are not always complimentary to their clients. In a case recently tried at the London Sessions the prisoner's counsel, addressing the jury, said: "Gentlemen, I would ask you to remember what an utter ass my client looked when in the box!"

A SWEEP was once responsible for one of the neatest compliments ever paid to a lawyer. Mr Reader Harris, K.C., had defended the sweep against the Attorney-General and the Solicitor-General and had won the case. The matter involved was one closely affecting sweeps and their ways, and Mr Harris had carefully studied all about sweeps before entering the court. As he left, his client begged leave to ask him a question : " Will you tell me," he asked, " if any of your family were ever in our profession ? "

MR JUSTICE HAWKINS was distinguished, among many other things, for the punctuality with which he rose at four o'clock, and for the unpunctuality with which he took his seat on the Bench in the morning. Mr Justice Bigham (now Lord Mersey), then a leading advocate in the Queen's Bench Courts, on one occasion waited for the learned judge from half-past ten till five minutes to eleven. Having another case elsewhere, he left the court for the purpose of seeing how it was progressing. While he was gone, Hawkins hurried into court, and five minutes elapsed before Mr Bigham returned. The judge was impatient. " I have waited five minutes for you, Mr Bigham," exclaimed his lordship. " My lord," replied the bold Q.C., " I waited five times as long for you."

BARON GREEN and Mr Justice Crampton were once on circuit together at Ennis. They were taking a stroll in the morning before going into court, when they were accosted by a man who

civilly took off his hat and said : " Maybe, gentlemen, you were in the court yesterday ? " " Yes, my man," replied Baron Green. " And can your honour tell us what was done to the boys of the O'Shaughnessys ? " (the reference was to men tried for faction-fighting). " I do not know," answered the Baron, who had been engaged in the Civil Court, " but I think this gentleman " (indicating his brother judge), " may know all about them." " They were all acquitted," said Mr Justice Crampton. " Then by the powers," shouted the rustic, " they must have had great interest intirely." When they were out of reach of hearing Baron Green gravely observed : " Oh, Crampton, how well that fellow knew you."

WILLIAM MACMAHON, who afterwards became Master of the Rolls in Ireland, had the unpleasant habit when addressing juries of scattering showers of saliva on his neighbours in the Bar seats. This coming very unexpectedly on the head of Sir John Franks, who sat next to Mr William Henn, who was subsequently a Master in Chancery, Henn observed : " I thought we were near the Cove of Cork, but it is plain we are within reach of Spithead."

A WITNESS in a police court case who contradicted the evidence of a policeman was asked whether he was prepared to describe the constable as a liar. " No," he answered, " I won't exactly say the constable is a liar, but I don't mind sayin' he's 'andled the truth very carelessly."

CHIEF BARON KELLY during argument was given to much wool-gathering, and one could see from his countenance when a fit of absent-mindedness was upon him. But he was sometimes like the fox in the fable, who outstretched and with closed eyes was nevertheless wide awake for the innocently straying chicken. On one such occasion Mr Cole, Q.C., repeated a point, when the Chief Baron, still with closed eyes, languidly remarked: "Mr Cole, that is the third time you have said that; why repeat?" "If your lordship pleases, I wanted at least one of them to carry attention." "I heap a coal of fire upon your head," said Kelly, "by informing you that each shot took effect. I can readily shut my eyes to bad law and sophistry!"

IN an abduction case in Ireland before Lord Morris—Chief Justice of Ireland—the letter of the law had been broken, but that was all, so Lord Morris in charging the jury said: "I am compelled to direct you to return a verdict of 'guilty' in this case, but you will easily see that I think it is a trifling thing which I regard as quite unfit to occupy my time, which is more valuable than yours; at any rate it is much better paid for! Find, therefore, the prisoner guilty of abduction, which rests, mind ye, on four points—the father was not averse, the mother was not opposed, the girl was willing, and the boy was convaynient." The jury then found the prisoner guilty, and he was sentenced "to remain in the dock until the Court rose." Immediately on this

the judge said to the High Sheriff, who sat with him: "Let us go," and as they left the bench Lord Morris called loudly across the court: "Marry the girl at once, and God bless you both!"

VICE-CHANCELLOR MALINS was fertile in expedients for bringing about a compromise in a case, or, if that failed, for attempting to make the party legally in the right forgo his costs. "Is the solicitor here?" he would ask, and when the solicitor stood up in the "well" of the court he would appeal to his conscience. "Your clients are very rich people; they do not want costs. I know who they are, very well. Why, Lady Malins always buys their tea. Come, you can consent for them?" If no consent were forthcoming, Malins would deprive the successful party of costs, or would give costs to the unsuccessful party. He knew that there was, in general, no appeal as to costs.

IN a case tried before Baron Dowse a refractory witness refused to answer a question put by counsel, and said: "If you ax me that question agin, I'll give you my shoe on your poll." "Does your lordship hear that language?" said the counsel, appealing to the judge. "The answer to my question is essential to my client's case. What does your lordship advise me to do?" "If you are resolved to repeat the question," said Baron Dowse, "I'd advise you to move a little farther from the witness."

MR JUSTICE TALFOURD once gave a delightful example of old-fashioned courtesy. Seeing a young barrister overpowered by nervousness, the judge gave him time to recover himself by saying in the kindest possible manner: "Excuse me for interrupting you, but for a minute I am not able to pay you attention"; whereupon the judge wrote a note to a friend. Before the note was finished the barrister had completely recovered his self-possession.

A FLOWERY barrister of the Western Circuit once addressed a jury in a case of child-murder in the following words:—"Gentlemen, it appears to be impossible that the prisoner can have committed this crime; a mother guilty of such conduct to her own child! Why! it is repugnant to our better feelings. The beasts of the field, the birds of the air, suckle their young and——" The learned judge interrupted the eloquent barrister: "Mr F., if you establish the latter part of your proposition, your client will be acquitted to a certainty!"

LORD JUSTICE FARWELL some few years ago had to try a case in which the question at issue was the alleged immorality of Daudet's "Sapho." The judge refused to read the work, on the ground that he was convinced it was improper. He consequently asked Sir Squire Bancroft to read it for him, and to report on its character.

MR JUSTICE DAY was a very severe judge when the occasion demanded severity. Once, when a gang of ruffians came before him, he

said to them : " I am not going to give you men long terms of imprisonment, but when you go in you get twenty lashes with the ' cat,' when you have been in nine months you will get another twenty lashes, and when you come out you will get another twenty lashes. Then you can show your friends what you have got."

SIR HARDINGE GIFFARD (Lord Halsbury), was always marvellous in reply when practising at the Bar, and made more use than anyone of the advantage of the " last word." On one occasion he appeared for the plaintiff in an action for slander against some members of a charitable association. The defendant's counsel had quoted the passage from the New Testament which defines true religion as being " to visit the widows and the fatherless in their affliction, and to keep oneself unspotted from the world." " My friend," said Giffard, " has forgotten the text which follows : ' If any man amongst you seemeth to be religious *and bridleth not his own tongue*—that man's religion is vain.' " Nobody in court knew whether this quotation followed the other or not, but in fact it immediately precedes it.

MR JUSTICE FIELD, who was very deaf, often failed to hear the witnesses' nervously uttered words, even though they stood close to his lordship's desk. " You must speak up," he said one day to a witness whose weakness of voice did not happen to indicate the state of his nerves. " Don't your lordship think I had better speak *down* ? " the witness replied, bending his head to a level with Mr

Justice Field's, and pouring the whole of his evidence into his lordship's ear.

SIR FRANK LOCKWOOD was once in a running-down case, where the plaintiff was an elderly uneducated woman, who alleged that her health had been permanently injured by reason of the negligence of the servant of Sir F. Lockwood's client. "What ailment are you suffering from now?" asked the popular Q.C. in cross-examination. "*Serjestion* of the lungs," quickly replied the old woman. "And a very good suggestion too," said Lockwood, with an impressive glance at the jury.

MR JUSTICE QUAIN'S name fell an easy prey to perversion. He was made a judge in days when it was requisite that he should be first admitted a serjeant. It was the custom for serjeants to present rings with a motto, and as the Serjeantry of Quain was purely by way of necessary qualification for the Bench, it was wittily suggested that his motto should be "*Sine qua non.*"

LORD MORRIS had no very high opinion of the jury system in Ireland. "In the west," he said, "the court is generally packed with people whose names all begin with one letter: Michael Morris [himself] on the Bench, ten men of the name of Murphy, and two men of the name of Moriarty in the jury-box, and two other Moriartys in the dock, and the two Moriartys on the jury going in fear of their lives of the ten Murphys if they don't find against their own friends."

THE following story is an amusing example of Sir Frank Lockwood's humour. A man and his wife sued an omnibus company for £500 in respect of injuries caused to the wife by the negligence of one of the company's servants, and the case was presented to the jury in a grossly exaggerated form. The evidence of special loss and expenses was exceedingly vague and slight, but the husband declared that his wife, who was a very fat woman, weighing some fifteen stone, had prior to the accident weighed eighteen stone. It appeared at the hearing that immediately after the accident the husband had written to the company alleging that his wife's injuries would certainly prove fatal, and claiming £50 compensation, a proposal which the company declined to entertain. Lockwood, for the defendants, addressed the jury in this strain : " I will spare you further trouble in this matter, gentlemen, by at once accepting the plaintiff's estimate of any damage they may have sustained. The case, you will perceive, resolves itself into an application of the principle known, I believe, to arithmeticians as 'the rule of three.' Its operation here is very simple. When the husband regarded the accident as certain to prove fatal, he claimed £50 ; that, you will observe, was as for 'a total loss.' His wife—at any rate the bulk of her—has fortunately been spared to him, and she apparently enjoys at the present time the most robust health, though her spouse complains that whereas she formerly scaled eighteen stone, her weight has now been reduced to fifteen—a loss of three stone avoirdupois. The problem for you to

solve, gentlemen, stands thus: As eighteen is to three, so is £50 to the amount of your verdict! With the assistance of my learned junior I am able to propound as a solution of the problem—£8, 6s. 8d.—but as my clients have throughout desired to deal with the plaintiffs in a more liberal spirit than you will probably consider they deserve, let us say—in round figures, £10!" The judge was highly amused, and briefly intimated that the question was eminently one for the jury, who promptly stated that they accepted "Mr Lockwood's figure of £10!"

AN old pedagogue, named O'Doherty, of local celebrity in Donegal, was a witness in a case. During his cross-examination counsel asked him: "Where were you, sir, on this night?" "*This* night!" exclaimed O'Doherty. "Oh, but you're the larnid gintleman! *This* night isn't come yet. I suppose you mane *that* night?" "Well, I suppose the prisoner was out that night doing nothing," continued the counsel. "What's *nothing*?" asked the witness. "What is it yourself?" replied counsel. "I'll tell you, thin," replied O'Doherty, "it's a footless stocking without a leg!"

LORD BROUGHAM once told the House of Lords that he remembered a case wherein Lord Eldon referred it in succession to three chief courts below to decide what a particular document was. The Court of King's Bench decided it was a lease in fee; the Common Pleas, that it was a lease in tail;

the Exchequer, that it was a lease for years. Whereupon Lord Eldon, when it came back to him, decided for himself *that it was no lease at all*!

WHEN Mr Justice Powell, in 1752, tried Jane Wenham, the Witch of Walkerne, in Hertfordshire, the court being full of fine ladies, he very gallantly told the jury that they must not look out for witches amongst the old women, but amongst the young.

THE carelessness of Mr Justice Maule once resulted in the destruction of a considerable part of the Temple in 1838. It is said that in returning to his chambers late at night, or in the early morning, he, in a fit of abstraction, put the lighted candle under his bed instead of on the dressing-table. However, Lord Campbell, who was an inmate of the same house at the time, makes the kindlier statement that he "had gone to bed leaving a candle burning by his bedside."

LORD CLARE, a Lord Chancellor of Ireland, was Curran's inveterate enemy. On one occasion when the Court was convulsed with laughter at Curran's sallies, Clare interposed, calling upon the sheriff to take into custody anyone who "disturbed the decorum of the Court." "Do, Mr Sheriff," said Curran, "go and get ready my dungeon, prepare a bed of thorns for me, and upon that bed I shall tonight repose with more tranquillity than I should enjoy were I sitting upon that bench with the consciousness that I disgraced it!"

BARON CLEASBY had a way of sternly rebuking prisoners for the enormity of their crimes, and finishing with a ridiculously small sentence. Thus it came about that not only was he popular with both Bench and Bar, but also with criminals. "You are committed for trial," said a magistrate to a ruffian who was up for his fourth case of house-breaking, "and you may choose whether you are tried at the Quarter Sessions next week, or a month hence at the Assizes." "Who's the judge of 'soize?" asked the prisoner. "Baron Cleasby," said the magistrate's clerk. "Oh, I'll go to 'soize," replied the criminal with alacrity; "Cleaseleby is the judge for me!"

DANIEL O'CONNELL'S demeanour towards the judges was at one time extremely insulting and offensive. "Good God! my lord," he once said at Cork Assizes to a judge who had employed his evening after his day's work in refreshing his memory upon some point of law, and on coming into court gave a decision in O'Connell's favour, "if your lordship had known as much law yesterday morning as you do this, what an idle sacrifice of time and trouble would you not have saved me, and an injury and injustice to my client."

ERSKINE displayed great readiness in a case of breach of warranty. The horse taken on trial had become dead lame, but the witness, to prove it, said that he had a cataract in his eye. "A singular

proof of lameness!" suggested the Court. "It is cause and effect," remarked Erskine; "for what is a cataract but a fall?"

AN attorney's clerk was once reading a conveyance to Lord Kenyon, and coming to the word "enough" pronounced it "enow." Kenyon stopped him. "Call it 'enuff,'" said he. "All words which end in '*ough*' must be pronounced '*uff*,' as rough, tough, and the like." The clerk continued his reading, and when he came to the word "plough," looked up in the judge's face and called it "pluff." Kenyon stroked his chin and, with a smile, said: "Young man, I sit corrected."

LORD MANSFIELD, having expressed his intention to proceed with certain business on the Friday following, was reminded by Serjeant Davy that it would be "Good Friday." "Never mind," said the judge, "the better the day the better the deed." "Your lordship will do as you please," said Davy, "but if you do sit on that day, your lordship will be the first judge who did business on Good Friday since Pontius Pilate."

SERJEANT ARABIN—a Commissioner at the Old Bailey—is said to have reprimanded a witness in the following words:—"My good man, don't go gabbling on so. Hold your tongue, *and answer the question which is put to you*!"

DURING one of the noisy scenes too common in the court of Lord Norbury, in Dublin, Mr Justice Mayne, who was sitting at his lordship's left hand, seeing a man in court with his hat on, exclaimed solemnly, speaking from the Bench: "I see you standing there like a wild beast with your hat on."

MR JUSTICE MAULE once said: "People talk about a man and his wife being one. It is all nonsense. I do not believe that under the most favourable circumstances they can be considered less than two. For instance, if a man murders his wife, did anybody hear of his having committed suicide?"

SIR RICHARD BETHELL had many a bout with Lord Justice Knight-Bruce. On one occasion Knight-Bruce was restless under what he considered the undue iteration with which Bethell was driving home his point, and at last broke out: "Mr Bethell, I have heard you use that argument twice already." "Very likely, my lord," replied Bethell, exaggerating his habitually slow utterance, "for it is only by the continual dripping of the water on the stone that any impression is created."

BETHELL hated irrelevant interruption. He rebuked it once in terms which have become proverbial. Bethell was stating his case at consultation, as he loved to do, with great detail and accuracy. The solicitor's managing clerk interrupted him twice with corrections as to dates, quite im-

material. On the first occasion there was no reply, save a glance and a warning pause ; on the second Bethell said severely : " Will you be so kind as to go outside the door and shut it."

A DULL Irish barrister, rich in the possession of land, once said that no one should be called to the Bar who had not a landed estate. Unluckily he said it in the hearing of John Philpot Curran, who forthwith replied : " May I ask, sir, how many acres make a *wiseacre* ? "

ON one occasion when Serjeant Wilkins was cross-examining a witness a stranger tapped him on the shoulder and, whispering in his ear, said : " Ask the witness whether he is not a Jew." " Why, you scoundrel," said Wilkins, " you are one yourself." " I know that," was the reply, " *but it will prejudice the jury, sir.*"

A CITY policeman, being examined as a witness, described himself as of the " Hen " (N) Division. " Do you mean The Poultry ? " inquired Maule.

LORD JUSTICE KNIGHT-BRUCE will be remembered for the sparkling cleverness and power of his judgments, and the irrepressible humour even in his gravest judgments. Thus in the Burgess Anchovy case, in which two brothers Burgess, sons of the original inventor of the sauce, were the litigants, and the brother who succeeded to the business and the " sauce " complained that the brother who

had not inherited it was nevertheless selling "Burgess's Sauce," the Lord Justice deciding against the plaintiff commenced as follows:—"All the Queen's subjects are entitled to manufacture pickles and sauces, and not the less so that their fathers have done it before them. All the Queen's subjects are entitled to use their own names, and not the less so that their fathers have done it before them."

SIR FRANK LOCKWOOD did not invariably have the laugh on his side. On one occasion he was defending a man at York charged with stealing cattle—"beasts," as they call them in Yorkshire. Lockwood said to a witness: "Now, my man, you say you saw so-and-so: how far can you see a beast to know it?" "Just as far off as I am from you," promptly replied the witness.

AN amusing incident happened one day at the Derby Assizes. An old lady expressed a fervent desire to see the inside of one of his Majesty's Courts, and appealed to the judge's clerk to gain her admittance. Accordingly she was provided with a seat, and listened throughout to the trial of a woman for murder. The woman was convicted, and urged the usual plea of pregnancy against the carrying out of the death sentence. A Jury of Matrons was thereupon empanelled, and one of the first of the women in court to be ordered into the jury-box was *the old lady*!

BARON MARTIN was very fond of horses, dogs and other animals, and took a great interest in horse-racing. On one occasion when he went the Oxford Circuit he was taken to the Malvern Hills, in order to show him the scenery. He was asked his opinion of the hills; whereupon, digging his heel into the turf in a scientific manner, he replied: "Well, they would make a capital race-course, *if they were levelled*!"

MR JUSTICE PEARSON, though only on the Bench four years, proved himself to be an excellent Chancery judge. In the case *in re* Paull he decided a question of great interest to solicitors—namely, whether a bill of costs sent in for "£360, say £320," must for the purpose of determining whether the cost of taxation is to fall on the solicitor or the client, be considered a bill for the former or the latter sum. He decided against the solicitor.

CHIEF JUSTICE COCKBURN, who was fond of shooting, once went to stay with Sir Richard Bethell, and in the course of a day's shooting Bethell managed to pepper one of the keepers with shot. Some time afterwards, when the two were talking of business in the presence of others, Bethell forgot what had happened on a certain day when Cockburn reminded them that they were together. "Ah! yes," said Bethell with his usual drawl, "I remember; that was the day, Cockburn, when you shot my keeper!"

CHIEF BARON KELLY, when at the Bar, defended Tawell, the Quaker, accused of poisoning. Kelly suggested in his defence that the victim was poisoned by eating too many apples and swallowing the pips; he was subsequently nicknamed "Apple-Pip Kelly," a name which clung to him for some years after.

BARON CLEASBY was a good-hearted judge, but he had a way of sternly rebuking prisoners for the enormity of their crimes, and finishing with a ridiculously small sentence. "You are one of the worst men I have ever tried," he would frequently say, "and the sentence of the Court is that you be imprisoned for *one month*."

MR JUSTICE WILLES was responsible for the courts meeting at half-past ten, instead of ten. He lived out of town, and the consequence was that the Court of Common Pleas could not be formed till half-past ten instead of ten as theretofore. The other courts at Westminster gradually followed suit. Now all the courts start work at half-past ten, except on Mondays, when work begins at eleven o'clock.

BARON GURNEY, early in his professional life, once defended some smugglers indicted for obstructing and assaulting the revenue officers who were endeavouring to seize some supposed contraband goods. The officers stated that though they were near enough to distinguish the letters *B*, *G* and *W*,

on the half-ankers slung over the horses, they were prevented from making a seizure, and therefore could not swear to the contents of the casks, but that they believed the letters meant *Brandy*, *Gin* and *Wine*. This evidence was ridiculed by Mr Gurney, who suggested that *W* might as well stand for water and *B* for beer. The Attorney-General—Sir John Scott—in his reply, wondered that the learned counsel had not suggested the *G* meant *gruel*!

SOME of Chief Justice Tindal's professional jokes were really good. On one occasion a certain learned serjeant arriving too late for dinner at Serjeant's Inn Hall, found no place left for him. While waiting for a seat the Chief Justice came up to him: "How now, what's the matter, brother?" said Tindal. "You look like *an outstanding term that's unsatisfied*!"

BENJAMIN, when his fortunes were at their lowest, never allowed himself to be underestimated. One day as he sat in his chambers in Lamb Building the boy who served as his clerk entered his room with a load of papers almost as big as himself. A cheque for the modest sum of five guineas came with them, and on it was the name of a well-known firm of solicitors whom it was important for Benjamin to conciliate. The papers lay on Benjamin's table for some days, when a clerk called and took them away. Soon after he returned and told Benjamin that there must be some mistake,

as the tape had not even been untied. "There is no mistake," said Benjamin, "the fee sent covered taking in the papers, but not reading them." The clerk returned discomfited to his principal, who went himself to see Benjamin, and set matters right with a further five and twenty guineas. Afterwards, when Benjamin was better known, the same solicitor reminded him of the case, and said that it was a point of American and English law upon which his clients insisted on having Benjamin's opinion. "Had you told me that at the time," said Benjamin, "I should not have looked at those papers for twice the fee."

SIR JOHN RIGBY—afterwards a Lord Justice of Appeal—once pathetically implored a judge in the Chancery Division, who was much given to interrupting counsel, to allow his opponent's somewhat involved speech to run its course. "My friend's opening is already obscure," said Rigby, "with your lordship's interruptions it becomes unintelligible!"

THE evidence given in murder trials is sometimes of a startling nature. Some years ago a man and his wife were put on their trial for the murder of the woman's stepdaughter—a girl of sixteen. The son of the prisoner, a boy of nine, was giving evidence, and spoke in his examination-in-chief of a large wooden box which was kept on the landing of the cottage. In cross-examination he was asked if he had ever seen it opened, and he said he had on one

occasion. "What was in it?" asked the prisoner's counsel. "*Bones!*" was the unexpected and ghastly reply. Mr Foote, K.C., who tells the story, remarks that the advocate's face was a study, and that line of cross-examination was not continued!

LORD JUSTICE THESIGER, when at the Bar, possessed a conscience in regard to the acceptance of briefs much more tender than that of most of his contemporaries. On one occasion, shortly after he was made Queen's Counsel, he was obliged on circuit to return a brief in order to keep a pressing engagement in town. The brief went to another Queen's Counsel, who a few months after was made a judge; and to Thesiger's astonishment when he entered the railway carriage he found it occupied by this very Queen's Counsel, who gleefully informed him that he had "settled" that case and was going to town *to oppose him in the other*!

LORD TENTERDEN'S manners were somewhat rough, especially in addressing witnesses. On one occasion, when he had with some roughness addressed to a witness who was looking another way, advice not unusual with him, and not very delicately couched, "to hold up your head and speak out like a man," it was amusing to observe the fall of both countenance and voice when the witness turned upon the judge the face of the Chairman of the Honourable East India Company!

MR JUSTICE BULLER had the reputation of being a very severe judge. The popular notion of his severity was once brought home to him in an amusing manner. Early one morning the judge had gone wrapped up in a greatcoat to a horse-dealer's to bargain for a horse he fancied. It was trotted out, and went tenderly on the off foot, a defect, as jockeys well know best detected at first starting. The keen judge called out to the dealer to come back, the animal would not do. "Why, you are as bad as old Buller," retorted the dealer, "you condemn him before trying him!"

LORD JUSTICE MATHEW, when Chairman of a Royal Commission appointed to inquire into the case of the evicted tenants in Ireland with especial reference to their reinstatement and re-settlement, had on one occasion a sharp passage of arms with Sir Edward Carson. Mathew, following the example of Mr Justice Day at Belfast, refused to allow cross-examination by counsel, whereupon Carson stigmatised the inquiry as "a sham and a farce." Mathew in his severest tones pronounced that observation to be "impertinent and disgraceful to the Irish Bar."

BARON DOWSE had great directness of speech, and a forcible way of putting things. In a case where a shoemaker was charged with having stabbed his wife, the guilt was brought home to the prisoner beyond all doubt, but one of the jury sapiently observed that he did not see any clear

evidence that the knife produced was the one which had inflicted the fatal wound. "If you were *trying the knife* such evidence might be very essential," said the Baron, "but you are trying *a prisoner*, and the question is whether or not he inflicted the wound with that, or any other knife!"

AN amusing story is told of Sir John Karslake, Q.C., when he was contesting the borough of Colchester—needless to say before the Corrupt Practice Act. He endeavoured to win the votes of the shopkeepers by making extensive purchases of them. At one shop he ordered a large trunk to be made for him. "But," objected the trader, "I don't make trunks." "Well, what are you then?" inquired the candidate. "An undertaker." "Oh!" exclaimed Karslake, and his face fell in contemplating the awkward position he had placed himself in. But he almost immediately rejoined: "Well, never mind, you can make me a coffin, and send it to my London address." To this, however, his wife strongly objected on hearing of the transaction. Karslake then directed that the coffin should be sent to his chambers, adding that it would made a good receptacle for Bevan's Reports.

THERE are remarkable stories of the way in which juries sometimes arrive at their verdicts. On one occasion a young woman was being tried for the murder of her illegitimate child. It was a most painful case, and although it was against the weight of evidence, there was great relief when the jury

gave a verdict of acquittal. Asked privately how they came to deliver such a verdict, the foreman stated that he had seen the black cap lying on the judge's bench, and the sight was too much for him, he hadn't the heart to bring in a verdict of "guilty." "And the others?" "Oh, well," said the foreman, "ten of them were neighbours and customers of mine, and I easily persuaded them." "What about the eleventh man?" "Well, he was a farmer whom I didn't know; and I said to him: 'Well, Mr Champs, what do you think about this case?" 'Oh!' he replied, '*I ain't thought nowt about it at all, sir!*'" Yet the trial had lasted the whole of the day!

A CURIOUS point illustrating the subtleties of criminal pleading was once taken by a member of the Bar as *amicus curiæ* at the Stafford Assizes. Two men named Jones and Stone were indicted for that "they did together assault with intent to rob, and did rob," the prosecutor. At the commencement of the proceedings the counsel for the prosecution said he would offer no evidence against Stone, as there was nothing to identify him, and the learned judge—Mr Justice Manisty—concurring in this course, a formal verdict of "not guilty" was taken as regards Stone. The case against Jones was then proceeded with. But at the close of the case for the prosecution a barrister present asked to be allowed to take a point in the prisoner's favour, as he was undefended. Leave having been given, counsel then proceeded to argue that the indictment was laid under s. 43 of 24 and 25 Vic., c. 96, which ran:

"Whoever shall . . . together with one or other person or persons, rob or assault with intent to rob any person. . . ." The indictment averred that Jones did this together with Stone, but Stone had been declared not guilty, and as the essence of the offence was the combination, it was impossible to convict Jones on that indictment; he should have been indicted separately under the s. 40. Mr Justice Manisty held after some argument that the indictment could not be sustained, and ordered the prisoner to be discharged.

THE plaintiff in person is hardly a *persona grata* either to the Bar or to the Bench, but he frequently serves the lower purpose of stimulating the Court to be amusing. A decidedly able and very valuable litigant of this class turned up in the Court of Appeal one day to protest against the successive orders of the master, the judge in chambers, and the Divisional Court giving the defendant leave to defend. "Of course I know, my lords," he said, "that one tribunal likes to support another. The judge in chambers will hardly overrule the master's order, the Divisional Court will hardly overrule the judge," and here he stopped in his wild career. "Pray carry your suggestion a step further," said Lord Esher blandly. Later on in the discussion he raised the wrath of Lord Justice Lopes, who turned on him rather fiercely, observing: "You seem to have two grounds for your contention that the defendant ought not to be allowed to defend: one, that *your*

documents are unintelligible; the other, that *your* facts are disputed!"

MR JUSTICE FIELD once administered a well-deserved rebuke to a witness at the Glamorganshire Assizes. During the hearing of a case for malicious prosecution one of the defendants in the case went into the witness-box. His counsel asked him a question concerning his own solicitors: "Were they not a respectable firm of solicitors?" The witness replied: "Yes, as solicitors go." The judge, turning to him, said he was surprised to hear a man of his position and intelligence make such a remark. The witness said it was a slip of the tongue. Field told him to be careful not to allow his tongue to slip similarly in the future, adding: "I have been a solicitor myself." He then indignantly denounced the remark as a gross libel upon an honourable profession. The witness having apologised, the case proceeded.

MR RUEGG, K.C. (now a County Court judge), was in consultation one day upon an appeal under the Workmen's Compensation Act, and his junior put forward a certain point which did not commend itself to his leader. He had it repeated, and then had to confess that it was too subtle for him to grasp, "But," he added brightly, "you shall have the opportunity of arguing it before the Court of Appeal yourself." The junior thanked him for the chance, and afterwards told the solicitor that it seemed to him that Ruegg was getting past his work

not to "spot" a simple point like that. Next day came, and with it the argument of the appeal. Mr Ruegg, having finished his argument, asked the Court to hear his junior upon one particular point. The Court having assented, the aspiring junior put his point, if not well, at least fully, and was listened to with such patience as the Lords Justices felt constrained to bestow. When judgment came to be given, only one of them alluded to the argument of the junior counsel, and that was Lord Justice A. L. Smith, who thus referred to the effort: "Mr H. *rushed in* on certain sections where Mr Ruegg *feared to tread.*"

WHEN Montagu Williams was at the Bar, it fell to his lot once to cross-examine a police constable closely as to the exact time of a certain occurrence. He asked the officer if he looked at his watch at the moment of the occurrence. The man replied that he had not got a watch. "How long have you been in the force?" was the next question. "Six months," answered the officer. "What!" said Counsel, "been a policeman for six months and haven't got a watch yet! What have you been doing?"

MR JUSTICE DARLING is usually so apt in his quotations that it is almost a pleasure to record an occasion when he was at a loss for the correct excerpt. Mr Charles Morton, at that time the doyen of music hall circles, had been put into the witness-box to explain the custom of the

profession as to the interpretation of the clause: "No play, no pay." Unfortunately the junior counsel who undertook the examination was only "holding" the brief for a friend, and had not had sufficient time to master it. His first question was very awkwardly put, and Mr Morton answered it in exactly the opposite way in which it was desired to get his answer. With an endeavour to cover up a smile, the judge said: "Othello now dismisses Iago. No, that isn't right; it was the other fellow, but I forget his name."

A PATHETIC story is told of an old barrister who in his last hours desired to see his wig and gown before he died. They were fetched from Lincoln's Inn, and held before his eyes, and a long-lost smile lit up his face. He asked in almost lifeless tones to have them put on, and anxious to comply with one of his last wishes, his relatives at the bedside did as he asked them, and gently raising his weary head from his pillow, they placed the ragged wig upon it, and hung the rusty gown upon his shoulders. His head sank back upon the pillow, and his eyelids closed. Suddenly his eyes reopened, his hand was raised and his parched lips moved: "*May it please your lor*——" As these words fell feebly from his lips, his weary frame sank back once more. His soul was before the Great Judge of all men.

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